Acta Sanctae Sedis

Acts of the Holy See

Holy See; Vatican

An English translation of the Latin edition
Rome: Typis Polyglottis Vaticanis, Vol. 37 (1904)

Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 1*]

ACTS OF THE HOLY SEE, ROMAN EPHEMERIDES, AUTHENTIC AND OFFICIAL, DECLARED FOR PUBLIC PUBLICATION BY THE MOST HOLY POPE PIUS X. Volume XXXVII. ROME. DIRECTION AND ADMINISTRATION, VIA S. NICCOLÒ DA TOLENTINO, 74. 1904-05. Reprinted with the permission of the Vatican Publishing House. JOHNSON REPRINT CORPORATION. JOHNSON REPRINT COMPANY LTD. 111 Fifth Avenue, New York, N.Y. 10003. Berkeley Square House, London, W1X6BA.

[*Latin ed. p. 2*]

Rome, 1904. — From the Polyglot Printing Press of the Sacred Congregation for the Propagation of the Faith. First reprint, 1969, by Johnson Reprint Corporation. Printed in the United States of America.

[*Latin ed. p. 3*]

ACTS OF THE HOLY SEE: HIS HOLINESS, POPE PIUS X, HAS DECLARED THAT OUR EPHEMERIDES, ENTITLED "ACTA SANCTAE SEDIS," ARE AUTHENTIC AND OFFICIAL PUBLICATIONS OF THE APOSTOLIC SEE, TO BE PUBLICLY DISSEMINATED.

Most Blessed Father, the Roman ephemerides, which bear the title "Acta Sanctae Sedis," were first published in the year 1865, under the care and diligence of the most distinguished priest, Peter Avanzini, of the city, who dedicated them to the benefit of the Pontifical Seminary of the Most Holy Apostles Peter and Paul, for clergy, especially for Italian clergy, for the purpose of sacred missions among the infidels, to which he himself, with the approval and generous assistance of the Most Holy Pope, the blessed and revered Pius IX, had recently laid the foundations.

Although the aforementioned praised priest declared in the beginning of the aforementioned ephemerides that they were not based on any public authority, and that the acts contained therein claimed no authority or credibility other than that which is usually attributed to them when found in the works of private authors; nevertheless, the ephemerides, of which we are speaking, were immediately received with such favor everywhere, that they were soon regarded by almost all the dioceses of Europe and other regions as a more reliable collection of the decisions of the Roman Curia. This was a benefit both to the aforementioned Seminary and to the sacred missions entrusted to it by the Sacred Congregation for the Propagation of the Faith.

Furthermore, in order that these ephemerides, like other publications of the same kind, may be more widely disseminated and more readily accepted by readers, and may be more useful to the Seminary of the Most

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Holy Apostles Peter and Paul and to its sacred missions,

[*Latin ed. p. 4*]

Let it be done. The Moderators of the aforementioned Seminary, humbly prostrate at the feet of Your Holiness, earnestly request that Your Holiness deign to declare the aforementioned ephemerides, for public dissemination as the Acts of the Holy See, to be authentic and official. So it was decreed. From an Audience granted by the Most Holy Father on May 23, 1904. Our Most Holy Lord Pope Pius X, by divine providence, having heard me, the undersigned Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, and graciously granting our prayers, declared the aforementioned ephemerides to be authentic and official for the public dissemination of the Acts of the Apostolic See. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the aforementioned day and year. L. 8 S. F. H. M. Cardinal GOTTI, Prefect. We offer you our most heartfelt thanks, Most Blessed Father, for having declared the ephemerides "Acts of the Holy See" entrusted to our care to be authentic and official. It is difficult to imagine the particular benevolence that this has shown towards us, and the honor and joy it has brought, since it is clear to us that with this Pontifical declaration, the ephemerides will contribute to the good of the entire Christian society, and to the growth and benefit of our Seminary and its missions, all the more as the necessity arises for the Apostolic Acts of the Holy See to be disseminated throughout the entire world with Apostolic authority. Therefore, delighted with the completion of our work, we will strive with the utmost diligence that the wisdom of Your Holiness, by which the decrees of the Roman See shine forth, may be increasingly evident, relying especially on Your Apostolic Benediction, which we earnestly implore for ourselves and for all those who read these ephemerides.

[*Latin ed. p. 5*]

TO OUR READERS: Many, and especially our Associates, have sent us, and continue to send daily, pleasant congratulations regarding the highest honor with which Pope Pius X has deigned to adorn our publications; therefore, we offer our due and public thanks to all. In the meantime, let our Readers kindly lend a favorable ear to what is set forth below, which may be considered our program. The *Romanae Ephemerides* – "Acta Sanctae Sedis" – alone, among all others of this kind, constitute the authentic and official organ of the Apostolic See. This benefits not only the Pontifical Seminary of the Holy Apostles Peter and Paul in the City, and its missions, but also the good of the entire Catholic Church. Indeed, all more solemn acts are published with Apostolic authority, namely, Apostolic Constitutions, Encyclical Letters, Apostolic Letters, Papal Allocutions, *Motu Proprio*, Briefs, Decrees, Rescripts, Decisions, etc., which emanate

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directly either from the Roman Pontiff, or from the Sacred Congregations of Rome, or from other ecclesiastical Dicasteries. The publication of all of these is carried out with the greatest speed and diligence. Furthermore, if necessary, with private authority, these legal acts are illuminated with necessary and appropriate observations and commentaries, which may either present difficulty or contribute further to the knowledge of current law. Also, with diligent study, the principal causes treated and resolved by the Sacred Congregations, especially those of Bishops and Regular Canons, the Council, and Sacred Rites, are presented in summary, relating them to ecclesiastical law and to Roman jurisprudence.

[*Latin ed. p. 6*]

Consultations concerning canon law, morals, liturgy, etc., prepared by most learned men, or transmitted to us by the Readers themselves, are also included. The Direction receives inquiries, cases, questions, and observations, whether from Associates or from others, to which answers are given either by private letters, or, if it seems appropriate, in the very Ephemerides, or even by referring the matter to the competent Authority. To this is added the Diary of the Roman Curia, where promotions and honors conferred by the Apostolic See are recorded, as well as other of the most important matters that occur in the Roman Curia. Information is also given about ephemerides and books, especially those concerning sacred disciplines and canon law, published anywhere and in any language, provided that a copy is sent to us. If the matter warrants it, a review of these is also made. As is well known to all, a great variety is found in the Rubrics; fascicles are diligently published at the appointed time, and new and most excellent types, which are commonly called "Elzevirs," have been introduced from the most distinguished and celebrated Polyglot Printing Press of the Holy Congregation for the Propagation of the Faith. Also, more solid and elegant paper is used. In the future, with God's help, we intend to make other not inconsiderable modifications and improvements, so that we may more worthily respond to the great hope placed in us by the Apostolic See, and in order to promote the benefit of the Readers. Therefore, our Roman Ephemerides, "Acta S. Sedis," under the most favorable auspices of Pope Pius PP. X, happily reigning, continue their work according to an old and new program, greatly assisting the clergy in the cultivation of sacred studies, and in the competent performance of divine ministrations.

THE DIRECTION.

[*Latin ed. p. 7*]

DECREES OF THE ROMAN PONTIFF FROM THE SECRETARY'S SUMMARY. Pope Pius X instituted all the canons of the cathedral church of

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Tarvisinae as Apostolic Protonotaries, for the purpose of participating [in certain ceremonies].

POPE PIUS X, FOR THE PERPETUAL REMEMBRANCE OF THE EVENT. A singular and most pleasing sentiment of charity and benevolence moves Our mind when We turn Our thoughts to the church of Tarvisinae, renowned for its ancient religion. For within the boundaries of that diocese lies the town in which We were born, and We ourselves were chosen for the cathedral chapter there; therefore, We consider that church as a second homeland, and We cherish the memory of the canons whom We had as companions with great affection. Therefore, now that We have been raised by divine providence to the highest position in the Apostolic See, it pleases Us exceedingly to adorn the aforementioned cathedral chapter, which has always deserved the highest praise for its sacred duties, with special insignia, so that a perpetual memory of Our benevolent will may remain with it. Therefore, all and each of those to whom these letters are addressed, embracing them with Our special favor, and absolving them from any excommunication, suspension, interdict, and all other ecclesiastical sentences, censures, and penalties, in any way or for any reason, if they have perhaps incurred them, absolving them for this reason alone, and considering them absolved, by the authority of Our Apostleship, We hereby decree that the canons, both resident and honorary, of the cathedral church of Tarvisinae, now and in the future, shall be Apostolic Protonotaries, according to Our own motion and with full knowledge and mature deliberation, and not otherwise.

[*Latin ed. p. 8*]

From the Secretariat of Briefs, number [illegible], we announce and declare that the following privileges, honors, and insignia are conferred perpetually, as follows. Therefore, it is permitted to the aforementioned Canons to wear the Prelatic habit, namely, a long, flowing robe, a sash, and a pallium or mantle of violet color, with a collar and shoes also of violet color, and a biretta, which, however, must be entirely black (i). They may wear this Prelatic habit with a rochet underneath for public prayers and other sacred functions; in all other cases, they shall omit the rochet; and they should know that it is never permitted to them, except during the celebration of a Pontifical Mass, to wear the pectoral cross and ring. When walking in private, it is permitted to these same Canons, retaining the use of the violet collar and shoes, to wear a black robe adorned with fringes and pink tassels, to encircle it at the waist with a small violet sash, to place a violet pallium over it, and to add a black biretta with a silk band or cord of red color, but not interwoven with gold. If they attend sacred functions in the Prelatic habit, they shall not kneel, but shall incline their head towards the Cross, and they shall be incensed with a double censer. They shall enjoy the grace of having their private oratories visited and approved

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by the Ordinary, on which days, even on more solemn occasions, in the presence of their relatives and connections, as well as their servants, they may celebrate Mass either by themselves or through any secular priest, or through any priest of a regular order duly approved (i). By a subsequent decree of the Holy Roman Church of March 9, 1904, granted to Apostolic Protonotaries, and therefore also to the Canons of the cathedral church of Treviso, it was permitted for them to wear, during sacred functions, a black biretta adorned with a lemniscus or tassel of the same color, as well as a band or cord with which they usually encircle the biretta, namely, of red color. Cf. Acta S. Sedis, vol. 36, p. 571. Furthermore, with regard to other privileges mentioned herein, in addition to the Apostolic Constitution of Pope Pius IX of August 29, 1872, the most recent declarations of the Holy Roman Church of March 9, 1904, should be consulted. Cf. Acta S. Sedis, vol. 7, p. 83; as well as vol. 36, p. 571. (N. R.).

[*Latin ed. p. 9*]

From the Secretariat of Briefs, it is permitted and they are able to celebrate [Mass] lawfully, except for the perpetual privilege of the portable altar. However, having obtained the permission of any Ordinary, who may grant it whenever and for which solemnities he wishes, and having also obtained the consent of the Prelate to whom this church is subject, it is permissible for the aforementioned canons to perform the solemn Sacred Office or to exercise the Pontifical privilege, but not in this esteemed city of ours, nor with the same rites and pomp that are fitting only for the Episcopal dignity. They shall, indeed, privately approach the church where they are to solemnly celebrate the divine service. They shall not dare to put on the great mitre nor the pontifical cap, nor shall they admit even one priest or cleric wearing a superpellice to accompany them; they shall not allow themselves to be associated with the clergy of the church in the temple vestibule; and finally, they shall not presume to sprinkle the people with holy water there, nor to bless them within the church with their own hands. As for the Pontifical vestments, they may use only the following: silk shoes and sandals, neither adorned with gold nor silver; silk gloves, also without a fringed golden or silver border; a dalmatic; a tunic; a ring with a single gem; a pectoral cross without any gems, with a silk cord of violet color; a simple mitre made of white fabric with silk fringes of red color; and a black cap, but only when wearing the mitre. These Pontifical vestments, however, they shall not be permitted to wear at Masses for the dead, in processions, or in any other ecclesiastical functions, unless they immediately precede or follow a solemn Mass, but always laying aside the gloves with the dalmatic and tunic in such functions distinct from the Mass. They may use the mitre described above as often as they attend pontifical Masses and Vespers celebrated by the Ordinary Bishop, but only in the Cathedral Church and in the Church of Saint Nicholas near the Seminary.

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In private Masses, concerning vestments, ceremonies, ministers, and the altar's adornment,

[*Latin ed. p. 10*]

From the Vatican Secret Archives, the number of wax seals of these letters does not differ from those issued to a simple priest, and therefore, they must not, under any circumstances, use any of the pontifical ornaments permitted only for the solemn Mass, and they must abstain from all and each of the rites permitted to them in that solemn Mass. We decree that, having reviewed the privileges mentioned above, they may begin to enjoy them from the moment that these present letters are duly promulgated in the Chapter Assembly, and after they have, in the presence of the Ordinary, made a profession of faith and an oath of fidelity. We declare these Our letters to be firm, valid, and efficacious, and to have their full and complete effect, and to fully support those to whom they apply, both now and in the future, in all things, so that in all matters concerning these things, ordinary and delegated judges must judge and decide, and that they shall be null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any Apostolic Constitutions and Ordinances, and other statutes and customs, even those strengthened by oath, Apostolic confirmation, or any other form of validation, and all other special provisions, even those deserving of individual mention and derogation, which may be contrary to these. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the 5th of December, 1903, in the first year of Our Pontificate.

L. ″f* S. ALOIS. Card. MACCHI.

(I) The particular secretary of His Holiness reported the aforementioned Brief to the Illustrious and Reverend Dean of the Chapter of Treviso, along with the following attached letter:

Vatican, December 6, 1903.

Illustrious and Reverend Monsignore,

Accompanying the autographed letter of the Holy Father are the profession of faith and the oath prescribed for Apostolic Protonotaries. And Your Excellency must ensure that the Illustrious and Reverend Chapter is informed that the dignity and privileges granted to the Illustrious and Reverend Canons of Treviso are not granted only capitularly, but...

[*Latin ed. p. 11*]

From the Secretariat of Briefs, Indulgences are granted to those who carry the miraculous medal of the Immaculate Conception, and to those who recite the Rosary in her honor. POPE PIUS X, desiring, with the best of good will, to commemorate this event perpetually, having received certain prayers from his beloved son Augustine Veneziani, and another from the General Procurator of the Congregation of Missions, and confident in the

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mercy of Almighty God and in the authority of the Apostles Peter and Paul, grants to all and each of the faithful, of both sexes, existing everywhere on earth, who wear the aforementioned miraculous medal, provided that they have received it properly blessed by a person with due authority, whenever the diocesan clergy are simple priests, but also individually, so that wherever they may be, they may wear the insignia and perform the liturgical functions, observing the proper regulations. They are equated with the Canons of the Patriarchal Basilicas of the City, with the exception of the chanted Mass, which must be performed as for simple priests; but the Canons of Treviso have the further privilege of wearing the mitre when the Bishop ordains in the Cathedral and in Saint Nicholas, and they may perform the liturgical functions also in Treviso, whereas those of the Patriarchal Basilicas cannot do so in Rome. Nevertheless, no one shall be able to use these privileges, etc., unless, after being appointed a Canon and having done what is prescribed for that office, he also makes the profession of faith and oath as a Protonotary; and this obligation applies both to resident Canons and to honorary Canons. It will be a good thing if this letter of mine be preserved in the records of the Chapter, as a declaration to remove any doubt, even in the future. The Most Reverend and Reverend Monsignor Giovanni Milanese, Apostolic Protonotary, in the manner of the Dean of the Chapter of Treviso. Humblest Servant. /.- GIOVANNI BRESSAN, Special Secretary to His Holiness.

[*Latin ed. p. 12*]

From the Secretariate of Briefs, in whatever language, provided that the translation is faithful, those who recite the following prayer, inscribed upon the very coin: "O Mary, conceived without sin, pray for us who have recourse to you," with at least a contrite heart, shall have one hundred days of indulgences remitted from the number of days of penance, according to the customary form of the Church. But we grant to the faithful, if they so desire, that this same partial indulgence may be used to expiate the blemishes and penalties of life. Notwithstanding any contrary provisions. These are valid perpetually. We decree that a true and authentic copy of these present letters be exhibited to the Secretariate of the Congregation for Indulgences and Sacred Relics, otherwise none shall be valid; and that the same copies, even if printed, and signed and sealed by a public Notary, and by a person constituted in ecclesiastical dignity, shall be held to be entirely valid, as if the original documents were exhibited or shown. Given in Rome, at St. Peter's, under the seal of the Fisherman, on the sixth day of June, in the year 1904, in the first year of Our Pontificate. L. "J* S. For the Most Reverend Cardinal Nicholas Marini, MACCHI, Substitute. A true and authentic copy of these present letters has been exhibited to this Secretariate of the Holy Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the aforementioned Secretariate, on the seventh day

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of June, 1904. L. ”f S. Jos. M. Coselli, Substitute.

[*Latin ed. p. 13*]

From the Secretariat of Briefs, Pope Pius X, choosing the Immaculate Virgin, Mother of Good Counsel, and Saint Peter Claver, as the heavenly patrons of the pious confraternity named after Saint Peter Claver.

PIUS PP. X, FOR PERPETUAL REMEMBRANCE.

By the divine grace of the Apostolic See, we turn our vigilant mind to all parts of the Christian world, whether widely dispersed by land and sea, and, obeying divine precepts and following the most illustrious examples of our predecessors, we strive above all to accomplish those things which seem most conducive to illuminating the light of the Gospel. With this purpose, we deem it fitting to promote pious confraternities established for the purpose of extending the boundaries of the Church to peoples dwelling in the shadow of error, and especially to the tribes of interior Africa, afflicted by barbarity and depraved customs, so that, through good works, they may receive their reward and be encouraged to strive for greater things, all this being done with particular expressions of our will.

Among these pious works, the confraternity named after Saint Peter Claver excels; for it has been canonically established with the sole purpose of assisting all missionaries of every nation and of the Apostolic Order who are laboring in Africa. Thus, this confraternity, as a kind of auxiliary cohort, contributes in every way to the benefit of all sacred expeditions to Africa, and with constant and steadfast effort, it strives to promote and preserve the Catholic faith in those regions; to redeem slaves to freedom; and simultaneously to work for the eternal salvation of the Negroes.

The confraternity is placed under the authority of the Congregation for the Propagation of the Faith. The ultimate purpose of this pious work remains with the institute of religious confraternities of Saint Peter.

[*Latin ed. p. 14*]

14 From the Secretariat of Briefs comes Claver, a name given to [this organization]; to which the General Superior and the sodality belong; and these are assisted by members of both sexes who are present throughout the world. These, according to the statutes of the society, and according to the various duties with which they are occupied, are called members, promoters, promoters, or external associates; and all, so that they may more easily achieve their purpose, contribute with funds, prayers, published writings, sacred periodicals, and other pious means to the Missionaries of Africa. Now, since the beloved daughter in Christ, Mary Theresa Ledóchowska, General Superior of this very pious work, has humbly made prayers to us, so that we might deem it worthy to honor it with a special favor; We, con-

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sidering the merits of this so fruitful a sodality, have gladly and willingly granted assent to these requests. Therefore, all and each of those to whom these Letters are favorable, shall be absolved from any excommunication and interdict, from other ecclesiastical sentences, censures, and penalties, if they have incurred any, solely for this reason; so that the sodality itself, having already deserved so much from the sacred order, may, with God's help, receive greater increases, and that with external aids, it may also receive protection and grace from above. By Our Apostolic Authority, We choose, assign, and We decree that all honors be given to the heavenly patrons belonging to these celestial patrons, the Most Blessed Virgin, Mother of God, and Saint Peter Claver. Furthermore, in order to amplify the dignity of these feasts, and so that a more solemn liturgical celebration may not be lacking, We likewise, by Our Apostolic Authority, decree that, with regard to churches throughout the world where pious institutions of the same kind are located, these two feasts shall be observed with a double Mass, according to the rubrics. It pleases Us to assign the Most Blessed Virgin, Mother of God, as the heavenly patron of this society, for We have a firm hope that She, being favorably disposed towards the endeavors of the members, will suggest good counsel to them, and that all their actions will be directed towards the sacred work in Africa.

[*Latin ed. p. 15*]

From the Secretariat of Briefs, the good and beneficial effects of this undertaking are evident. For Peter Claver, however, this is a truly unique and proper endeavor. For he, who lived a mortal life, devoted his soul to the study of Christian charity, striving to alleviate the miseries of the poor Africans held in bondage, and was rightly and deservedly called the Apostle of the Negroes. He will undoubtedly add strength to the members, so that they may better achieve the goal they have set for themselves, namely, the salvation of the Negroes. Therefore, We hold good hope that, under the auspices of the Virgin Mary, Mother of Good Counsel, and through the intercession of Peter Claver, this society will, with an increasing number of members, diligently and generously contribute to the cause, and will experience such great growth that, spread throughout all nations and peoples, it will draw all the faithful with unanimous consent to promote the spiritual well-being of the Africans. May the Savior and Redeemer of the human race, Christ, to whose most holy cause this society is dedicated, protect it with grace and defense; and We, meanwhile, together with the Directress and the members, and with other faithful of both sexes duly chosen for this work, impart to you, as a pledge of Our heavenly favor and of Our will, Our Apostolic Blessing.

We command, We decree, that these present Letters shall always exist and remain valid and effective, and shall have their full and complete effect, and that they shall fully and completely apply to those to whom they

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pertain, and for all time, and that in all respects they shall be judged and decided by any ordinary or delegated judge, and that they shall be null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any Apostolic Constitutions and Ordinances, and any other contrary provisions whatsoever. We wish that to these present Letters, whether transcribed or printed, signed by the hand of a public notary, and sealed with the seal of a person holding ecclesiastical office, the same full faith be given as...

[*Latin ed. p. 16*]

From the Secretariat of Briefs, this document shall be presented to those present, if they are exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the tenth day of June, 1904, in the first year of Our Pontificate. L. "●● S. ALOIS. Card. MACCHI. An indulgence is granted to those who recite the invocation: "O Lady of the Sacred Heart, pray for us." PIUS PP. X FOR PERPETUAL REMEMBRANCE. Graciously approving the pious petitions presented to Us by Our beloved son, the General Prefect of the Missionaries of the Sacred Heart, We grant to all and each of the faithful, of both sexes, everywhere on earth, now and in the future, in whatever language, provided the translation is faithful, an indulgence of one hundred days, in the manner customary in the Church, each time they recite this invocation with a contrite heart and devotion: "O Lady of the Sacred Heart, pray for us." Furthermore, We grant to the same faithful, if they so desire, permission to satisfy, by this very partial indulgence, the canonical penalties and expiations. In contradiction to nothing whatsoever. This shall be valid for the present and for all future times. But We command that an authentic copy of this document be transmitted to the Secretariat for Indulgences and Sacred Relics; otherwise, it shall be null and void. Furthermore, the same faith shall be given to copies of this document, even if handwritten by a public notary and sealed with the seal of a person holding an ecclesiastical office, as would be given to the present document itself, if it were exhibited or shown.

[*Latin ed. p. 17*]

From the Secretariat of State, 17th day of June, in Rome, at Saint Peter's, under the Fisherman's Ring, in the year 1904, in the first year of Our Pontificate. L. "f" S. For the Most Reverend Cardinal Macchi, Nicholas Marini, Substitute. An authentic copy of these Letters has been transmitted to this Secretariat, which presides over Indulgences and Sacred Relics. Witnessed, etc. Given in Rome, from the same Secretariat, on the 9th of July, 1904. L. "£● S. Ios. M. Can. Coselli, Substitute. FROM THE SECRETARIAT OF STATE: It is urged that there be unity among the members of the Permanent Committee of the Catholic Congresses in Italy. Most Reverend Sir, I received the document sent to me by Your Eminence on the 4th of the current month,

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and I did not delay in bringing its contents to the knowledge of the Holy Father. His Holiness learned with displeasure that, within the bosom of the Permanent Committee of the Congresses, there still lacks that concord and that unity of purpose which are the most necessary elements to render the Catholic action in Italy effective and fruitful. He therefore expresses the hope that such a defect should no longer be lamented, and to bring it to an end, He encourages the activity and zeal of Your Eminence. To the august Pontiff, the perfect orthodoxy of all the members of the Permanent Committee is known, especially on the two points of the Papal Question and the dependence on ecclesiastical authority. It is also clear to Him the zeal and disinterestedness... (Acta S. Sedis, Vol. XXXVII, part. i. 2)

[*Latin ed. p. 18*]

From the Secretariat of State, the Presidency of the Work, in fulfilling the difficult mandate entrusted to it, desires that no one doubt its benevolence towards the excellent individuals who direct the Work of Congresses. Therefore, setting aside all irritating discussions, let everyone work harmoniously for the good, in accordance with those norms which His Holiness has already established, and which He might subsequently deem it opportune to declare and explain more fully (i).

In expressing these benevolent sentiments and these august intentions of the mind of the Holy Father, I am pleased to reaffirm my sentiments of distinct esteem towards Your Eminence. Rome, July 6, 1904.

Yours for service,

R. Card. MERRY DEL VAL.

To: Mr. Count Giovanni Grosoli, General President of the Work of Catholic Congresses in Italy, Ferrara.

(i) The General Permanent Committee of the Work of Catholic Congresses in Italy, after meetings held in Bologna on July 2nd and 3rd of the present year, informed the Most Reverend and Roman Cardinal Secretary of State of all that was said and done there. Subsequently, in the name of His Holiness, and with the aforementioned letter, He affirms the orthodox faith of all the Permanent Committees of the Work, especially regarding the Papal Cause and dependence on ecclesiastical authority, and He earnestly urges them to foster concord among themselves. However, since the desired concord cannot be achieved, and no good fruits can be hoped for from the current state of affairs, His Holiness, in the following letter to the Secretariat of State, completely dissolves the aforementioned General Permanent Committee, along with its respective Divisions and Sections, with the exception of the II Division, to which the action of Christian popularism, or Christian Democracy, is particularly dedicated. Therefore, in the future, only the Diocesan and Regional Committees will remain, under the immediate protection, vigilance, and approval of the

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Bishops. And thus, the action of Christian popularism in Italy, as all hope, will be more expeditious and safer, and will bring greater fruits. (N. R.).

[*Latin ed. p. 19*]

From the Secretariat of State, a circular letter from the Most Eminent Cardinal Secretary of State of His Holiness to the Most Reverend Ordinaries of Italy concerning the regulation of the Christian popular action.

LETTERA CIRCOLARE DELL' EMO CARDINALE SEGRETARIO DI STATO DI SUA SANTITÀ AI REVERENDISSIMI ORDINARI D' ITALIA

Most Illustrious and Most Reverend Lord,

The Holiness of Our Lord Pope Pius X, deploring the sad effects of the lack of understanding, concord, and unity of purpose in the direction of the Work of Congresses and the Catholic Committees of Italy, particularly within the General Permanent Committee, and having carefully considered the entire development of the Work with the more recent documents and facts pertaining to it, has ordered the undersigned Cardinal Secretary of State to make known to the Most Reverend Ordinaries of Italy and to other interested parties the following resolutions and prescriptions:

I. Recognizing the merits and commending the rectitude and good will of the individual members of the General Permanent Committee, and in particular of the esteemed Count Grosoli, nevertheless, in order to provide more effectively for the current needs of the Catholic Action, the aforementioned General Permanent Committee is hereby definitively dissolved. The archives of the dissolved Committee shall be entirely delivered to the Most Eminent Cardinal Vicar of His Holiness.

II. The Christian popular action (or Christian democracy, according to the intentions of the Holy See), whose supreme utility and moral necessity have been proclaimed on several occasions by His Holiness Pope Leo XIII and by the reigning Pontiff, is undoubtedly a matter of the utmost importance. The Holy Father, having entrusted this Christian popular action especially to the Second Group of the Work of Congresses, under the wise direction of...

[*Latin ed. p. 20*]

From the Secretariat of State to the Most Reverend Monsignor Stanislao Medolago-Albani, recognizing his excellent achievements and desiring that the Second Group remain unchanged under the same direction; indeed, he intends to grant greater powers to the President, and therefore grants him all those faculties that he could not exercise without depending on the Permanent General Committee or the Presidency of said Committee.

III. The other Groups and Permanent Sections established in Italy, namely the General Groups I, III, IV, and V, with their respective General Sections, are dissolved, as is the Permanent General Committee. For the present, the relevant archives will be kept with the same individuals who

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currently hold them in custody. The powers of the General Groups I, III, IV, and V are transferred to the Regional and Diocesan Groups, under the immediate protection, supervision, and approval of the Bishops.

IV. The appointment of the General President of the Second Group is reserved to the Supreme Ecclesiastical Authority. The Most Reverend Count Stanislao Medolago-Albani is confirmed in his office as General President of the Second Group, with the faculty to elect those individuals who must hold the other offices of the same Group, as well as to admit, in agreement with those who comprise the presidency, all those who may provide useful services to the Work. His Holiness desires that no cleric be admitted to the Second Group without the authorization of his own Bishop and that of the diocese in which he temporarily resides; He also desires that all elements of discord be eliminated from the Second Group, and that, with firm gentleness, those individuals, whether clerics or laymen, who are known for their lack of doctrinal precision in matters of Christian Popular Action, lovers and sowers of unhealthy novelties, who are not forthright in the defense of the intentions and rights of the Apostolic See, or who are not sincere in the constant observance of papal directives, be always excluded.

V. No General Congress shall be held without special permission from the Holy See. The Regional Congresses and...

[*Latin ed. p. 21*]

From the Secretariat of the State, 21 Diocesan [Associations] may be held under the full dependence of the Bishops, and with their written permission. However, if the Congress is Regional, the permission and immediate supervision will belong to the Venerable President of the Episcopal Conferences of the Region; and if the Regional Congress takes place in a diocese different from that of the aforementioned President, an agreement must be reached with the Ordinary of that diocese. VI. The following general rules shall be observed in these Congresses: a) No priest or cleric shall be admitted without the permission of his own Bishop and of the Bishop of the place where the Congress is held; b) As much as possible, forms proper to political parliaments should be avoided, and instead, fraternal gatherings of Catholics should be encouraged; c) The floor should never be given to ladies, although they are respectable and pious. If, at any time, the Bishops believe it appropriate to allow gatherings of only ladies, these shall speak under the presidency and supervision of serious ecclesiastical persons; d) In all discussions of the Catholic Action, it must be avoided to seek to triumph one's own opinion, citing words of the Supreme Pontiff which are claimed to have been said and heard in private audiences; this must be avoided even more in the Congresses; for, besides the little respect shown towards the Supreme Pontiff, there is a considerable risk of misunderstandings, depending on one's own personal views. The surest way to know what the Pope truly wants is to adhere to the public acts and documents

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issued by the competent authority. VII. Each Bishop who has the faculty to nominate the President and the members of the diocesan Committee may, for serious reasons, dissolve the Committees, Groups, and Sections existing in his diocese; he may also veto nominations and resolutions issued by the various directions of the Congress concerning matters belonging to his diocese, if he does not consider them advantageous to his diocesans; for, except for the judgment of the Holy See, in this matter, the Bishop alone is the judge.

[*Latin ed. p. 22*]

22 From the Secretariat of the Association. Without the approval of the Bishop, no Committees or works of the Catholic Action may be founded within the territory of his jurisdiction. Those who are concerned with the true progress and the results of the Congress Association in all its manifestations should always remember this serious sentence: It is preferable that a work not be undertaken, rather than to carry it out outside of or against the will of the Bishop. Therefore, let them always have before their eyes and faithfully observe the Warnings and the Program of Christian Popular Action, which are found appended to the Statutes and Regulations of the Congress Association (Appendices A and B), the Instruction of the Sacred Congregation for Extraordinary Affairs of the Church of January 27, 1902, and the recent Motu Proprio issued by the Holy Father concerning the same Christian Popular Action (1). Many deplorable inconveniences would not have occurred, if all the faithful who love the Catholic Action, and all the Catholic journalists, had remembered, read with pious frequency, and observed with greater loyalty what is established in those serious documents. Therefore, the Holy Father desires that the Bishops, with particular diligence and with paternal firmness, demand full doctrinal and practical submission to the prescriptions and norms of those documents themselves. The Holy Father intends, with these provisions, to ensure a more appropriate direction for the Catholic works in Italy, which, without the effective and constant action of the Bishops, who have from Heaven the grace of state and special insights for the good governance of their Dioceses, will always be languid, uncertain, and confused. The Catholics, animated by a true spirit of faith, will easily understand that the present norms do not and cannot signify a regression in the Catholic Action in Italy, nor a diminution of trust on the part of the Holy See towards those who dedicated themselves to the development of the Congress Association; but rather, they signify a firm will in (1) See Acta S. Sedis, vol. 4, p. 401, and also vol. 36, p. 339.

[*Latin ed. p. 23*]

From the Secretariat of the Holy See, dated July 28, 1904. The Supreme Pontiff desires to give more vigorous life to the entire work, and in par-

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ticular, to the urgent and necessary progress of the Christian Popular Action. Therefore, He exhorts both the older and the younger members of the Catholic Action to forget all cause for bitterness among themselves, and to work together in full and filial submission to the Bishops, being certain that all the Holy Pastors will consider it of primary importance in their ministry to promote and encourage the aforementioned works with constant and paternal solicitude. This circular shall be read in every Catholic association and published in its entirety and in a single issue in the Catholic newspapers of Cattolica and Italy. Having informed you of the foregoing, with sentiments of distinct esteem, I declare myself to be, Your Eminence and Most Reverend, Vatican, July 28, 1904. Your Servant, R. Cardinal MERRY DEL VAL.

[*Latin ed. p. 24*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS. Regular clergy habitually obtain the faculty of attaining academic degrees in Holy Scripture. The Holy Father, desiring that members of the Regular Clergy, who have cultivated biblical studies, may also attain the academic degrees which the Biblical Commission is authorized to confer by virtue of the Apostolic Letters of this year (i), has deigned to decree that the special faculty of which students of religious orders require in order to attain academic degrees, be granted by the Holy Congregation of Bishops and Regular Canons with regard to biblical studies, habitually, and not merely by way of a specific act in individual cases, as determined by the statutes of the various religious orders, for other classes of academic degrees (2). In communicating this Pontifical decree to the Very Reverend, I wish you, from the Lord, every good. April 19, 1904. D. Card. FERRATA, Prefect. L. + S. Philip Giustini, Secretary. (1) Cf. Acta S. Sedis, vol. 36, p. 53. (2) (Revised Version). His Holiness, desiring that each member of the Regular Clergy, who has cultivated biblical studies, may attain the academic degrees which the Biblical Commission, by virtue of the Apostolic Letters of the present year, has the faculty of granting, has deigned to decree that the special faculty, which students of religious orders require in order to attain academic degrees, be granted by the Holy Congregation of Bishops and Regular Canons with regard to biblical studies, habitually, and not merely by way of a specific act in each case, as the statutes of various religious orders prescribe for other academic degrees.

[*Latin ed. p. 25*]

From the Sacred Congregation of Bishops and Regular Canons, 25, concerning the right of suffrage for the reception into the Order.

Most Blessed Father, the Prior of Grande Chartreuse and the General Minister of the Carthusian Order, humbly prostrate at the feet of Your Ho-

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liness, explains that, according to the statutes of the aforementioned Order, monks, having at least been promoted to the subdiaconate, immediately upon making their profession, rejoice with their voices for the reception of those who request admission into the Order. But because, according to the terms of the declarations issued by the Sacred Congregation concerning the statutes of Regular Canons on June 12, 1858, those who have made simple vows have a vote in the acts of the chapter of their convent, to the extent and as those who have solemnly professed, it follows that in this matter of such importance, even those who have made simple vows should rejoice with their voices; from which, it has been discovered that serious inconveniences may arise. Therefore, the speaker earnestly requests that, notwithstanding the aforementioned declarations and any contrary opinions, those who have made solemn vows alone should have a voice for any reception or admission into the Order.

And God... The Sacred Congregation of the Holy Roman Church Cardinals, having considered all things, judged it fitting to decree, as is stated in the present document, that those who have made simple vows, even though they are monks in the subdiaconate, should not have a voice for any reception. However, the same Sacred Congregation declares that all and each reception or admission into the Order previously carried out, in which it happened that those who have made simple vows, even though they are monks in the subdiaconate, also had a vote, are considered valid and are confirmed.

Given at Rome, from the Secretariat of the same Sacred Congregation, on this day, May 20, 1904.

D. Card. FERRATA, Prefect.

Philippus Giustini, Secretary.

[*Latin ed. p. 26*]

From the Sacred Congregation of Bishops and Regular Canons, June 14, 1904.

Regarding whether a Master of Novices can fulfill the office of examiner for admission to the habit and to the profession.

Most Blessed Father, the Prior of the Grande Chartreuse and the General Minister of the Order of the Carthusians, prostrate at the feet of Your Holiness, humbly requests a solution to the following doubts:

I. Whether the Master of Novices can fulfill the office of examiner, according to the Decree on Regular Discipline, even for admission to the profession, and whether this applies when dealing with his own novices.

II. Whether he can at least exercise this office for the reception to the habit; indeed, if it concerns novices whose care he does not have, for admission to the profession.

And God, etc.

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The Sacred Congregation of Extraordinary and Regular Affairs of the Holy Roman Church, entrusted with the affairs and consultations of Bishops and Regular Canons, after mature deliberation, has decided that the proposed doubts should be answered as follows:

To I: Negatively.

To II: Affirmatively.

Rome, June 14, 1904.

D. Card. FERRATA, Prefect.

L. ”f S. Philippus Giustini, Secretary.

Of the Missionaries of the Most Sacred Heart of Jesus.

Regarding the election of consanguineous religious to the same Chapter of Consultors.

Most Blessed Father, Victor Bourdenne, Superior General of the Priests of the Most Sacred Heart of Jesus from Betharram, prostrate at the feet of Your Holiness, humbly requests a solution to the following case, which recently occurred in the College of Saint Joseph in the city of Buenos Aires, in South America.

[*Latin ed. p. 27*]

From the Sacred Congregation of Bishops and Regular Canons, Decree 7. The administration of this College has been renewed, according to the Constitutions of the Institute, consisting of the Superior, and the local Chapter, composed of four counselors. In this number of counselors, two brothers were admitted simultaneously by the benefit of suffrage. Of the two older in age, the first was elected almost unanimously with the consent of all in the first scrutiny, along with two other Fathers. The younger, after not obtaining even half of the votes in three other scrutinies, finally obtained the votes of the majority of those electing in the fifth, which is the last. Since the presence of these two brothers in the Chapter of which we speak seems to be contrary to civil laws and the Sacred Canons, as is clear from the Constitution *Exponi nobis* of Pope Urban VIII, and yet our Constitutions are silent on this matter, I considered it more appropriate to bring these objections arising from this occasion before Your Beatitude, and to seek a solution, humbly requesting that Your Most Holy authority decide: 1°. Whether it is permissible to decide in this case. 2°. Whether the prohibition of the Constitution *Exponi nobis* applies to elections of relatives in a degree not so remote, whether for each individual house’s Chapter, or for the General Chapter of the entire Institute, if such a situation should arise, for example, if an uncle and nephew, or two cousins, were elected simultaneously to the same Chapter of counselors. — And God... And the Sacred Congregation of Bishops and Regular Canons, entrusted with the affairs and consultations of Bishops and Regular Canons of the Holy Roman Church, having considered the above, decided that the following should be

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answered regarding the aforementioned doubts: 1. The election is valid in this case. 2. Negatively, in all cases. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 2nd of July, 1904. D. Card. FERRATA, Prefect. Philippus Giustini, Secretary.

[*Latin ed. p. 28*]

28 From the Sacred Congregation of the Council of Trent, regarding the alteration of wills: The alienation of a house connected to a pious cause is to be denied, because it is not necessary, nor free from dangers, nor useful and profitable. Example of a case. Dominic Mattivi, from the town of Regnana-Bedollo in the diocese of Trent, in his will of April 15, 1896, established four heirs, among whom was the *Curatiale* (parish) of the aforementioned town, to which he assigned a certain house as its hereditary share, but under the condition that it could be rented, but never alienated; otherwise, it would have to be transferred to the other heirs under the same condition. After the testamentary succession was opened and the inventory of assets was completed, the four designated heirs accepted the inheritance on October 27, 1897, but, by mutual agreement, declared the clause imposed by the testator regarding the inalienability of the house to be legally invalid. Therefore, the administrators of the *Fundi Curatialis*, wishing to alienate the aforementioned house, requested the necessary authorization from the Holy See; and the Bishop of Trent, having been asked, strongly recommends this petition. Observations. Among the many reasons presented by them, the most important is that the revenues would be increased; for the house, when rented, yields only 16 annual crowns, of which, after deducting expenses, only 10 remain, while, on the other hand, one of the heirs could purchase it for 600 crowns, from which an annual profit of 25.20 crowns would be received. In this way, better provision would be made for the proper support of the spiritual care of the priest in charge, since the present patrimony of 14,700 crowns, together with the offerings of the faithful, is not yet sufficient. Furthermore, there is the difficulty of renewing the lease agreement, which occurs every two...

[*Latin ed. p. 29*]

Trent, twenty-nine months ago, ceased to be [a place of residence], either because everyone there has their own home, especially after the emigration to America, or because there are also several other houses that are vacant. Furthermore, improvements to these houses are not to be considered, since, due to their location and construction, they seem almost impossible to make, and therefore the Curate's Fund cannot hope to obtain any revenue from them in the future. Finally, the house, which is to be publicly auctioned in Asti, would likely fetch a lower price than that offered by the aforementioned heir, because the judicial authority estimated the house at 160 [units of currency] in the inventory of the estate. Several reasons seem

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to stand in the way. And first of all, it contradicts the express will of the testator; for both civil and canon law prescribe that the last wishes of the deceased must be observed sacredly and religiously. This is especially true when the testator's disposition is for pious purposes, as in this case, because it is presumed to be made for the benefit of his own soul, and because, if this were not the case, the faithful would be discouraged from making such donations to the Church. Furthermore, the alienation of the house has been expressly prohibited by the testator, not once, but repeatedly; which indicates such a firm and precise intention that no room should be left for a benevolent interpretation. Moreover, the proposed alienation is neither necessary, nor free from dangers, nor useful and beneficial to the pious cause. It is not, firstly, necessary, because the house could, rather than being sold, be granted in emphyteusis [a form of long-term lease] under a suitable canon and with the obligation of improvements; in this way, the testator's will would be somewhat preserved, since emphyteusis is a kind of lease, as Richerius states (Universal. Iurisp., vol. 10, no. 1364-65). But secondly, it is not safe or free from dangers. Indeed, the alienation seems permissible only to the extent that the designated heirs have declared the clause imposed by the testator regarding the inalienability of the house to be invalid, and have thus renounced the right of substitution. But this declaration and resignation of the interested parties does not appear to be entirely firm, if, among other things...

[*Latin ed. p. 30*]

3°. In the matter of the alienation, the minor children, John and Virgilius Mattivi, are present, for whom the tutor, Margaret, has given her consent, and since it is not established that the proper formalities were observed, or that a special decree was obtained from the tribunal for this purpose, it is possible that these minors, after reaching their majority, may avail themselves of the right of restitution, and thus the contract of alienation may be rescinded. Thirdly, the proposed alienation is not useful or beneficial to the pious cause, since the house is sold not under the auspices of the Church, but through a private transaction, thus preventing the possibility of obtaining a higher price through the bidding of donors; and since money is substituted for an urban property, which, when invested either in public funds or in private deposits, does not possess the same security, especially in these times, as do real estate holdings. However, these considerations do not appear to be so weighty as to present an obstacle to the fulfillment of the will. Indeed, although the wills of testators are to be inviolably observed, it is easily understood that nothing can legitimately impede their execution, especially when, due to a just cause of utility or necessity, the execution of the will becomes difficult, or even impossible; in such cases, a prudent modification is not only reasonable, but also necessary, as noted by Barbosa (in Concil. Trid., sess. 22, Cap. 6, de Reform.), and by Pig natelli (Tom. 4,

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cons. 148, n. 12), and as taught by the Holy Congregation in Bossanen. — Regarding the modification of the will, January 25, 1851. Furthermore, there are not lacking examples of modified wills within the Holy Congregation, as can be seen among other resolutions in Baren, November 22, 1823; Forolivien, June 3, 1843, etc. Nor does it appear that the lack of formalities concerning the consent given by Margaret Mattivi, the tutor of the minors, is a significant obstacle, either because, since her declaration was received by the tribunal, she should be considered to have implicitly been authorized, or because the matter concerns a property of small value (the house being estimated in the judicial inventory at 160 cor.), and according to Ri;

[*Latin ed. p. 31*]

The city of Trent and Chieri (loc. cit., book i, volume i, no. 681) state that solemnities concerning minor matters are not required "because the matter in question is regarding immovable property, and of little value, so that no more should be spent on the solemnities to be performed than can be recovered from the sale of the property." But that the alienation of a house is necessary and useful is evident both from the fact that the administrative commission cannot bear the expenses for its restoration, and from the fact that the revenue derived from the sale of the house is greater than the profits previously obtained from its lease, and there is no hope of leasing it for a higher sum in the future, due to the condition of the house and the location. Indeed, that these circumstances constitute a necessity and utility in the legal sense is taught by Petra (Commentary on Constitution I of Leo the Great, section 4, no. 121 and following). Regarding the transfer of the house to a perpetual lease, it should be noted that in this case it would be the least advantageous, given the very poor condition of the property and the burden of improvements, and it would not be easy to find someone who would want to acquire the house under such a burden in a town where the income from urban properties is very small. Finally, regarding the lack of a public auction for the sale of the house, it should be noted that such an auction is not absolutely necessary for carrying out these alienations, because there is no mention of it in canon law, as stated by Ferraris (Canonical Library, v. alienation, article 2, no. 14); therefore, it is sufficient that a legal appraisal of the property to be sold precedes it, which was carried out in this case at the request of the municipal authority. Nor does the other objection seem to have any weight, namely, the difficulty of investing more safely in stable properties than in public securities, provided that in our times it has become customary to prefer this extreme method of investment as being safer and more useful, due to the diminished value of stable properties. Resolution. The Sacred Congregation of Councils, in the general meetings held on February 27, 1904, decided that the answer

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should be: Negative.

[*Latin ed. p. 32*]

32. From the Sacred Congregation of Councils, I. Concerning natural law, it is necessary to observe and fulfill to the utmost the last wishes of the deceased. This is in accordance with the law of the Twelve Tables, which states: "As each has bound himself, so let it be his right," and also with Novella 22, chapter 2, which states: "Let each dispose of his affairs as it is fitting, and let his will be the law." Therefore, Canon 4, cause 18, question 2, concludes: "The last will of the deceased must be preserved in all ways."

2. However, the Roman Pontiff, possessing the supreme power over all the faithful, can lawfully and validly alter pious bequests for a reasonable and just cause. The Clementine Code, book III, title XI, chapter 2, states: "Those things which are destined for a particular use by the generosity of the faithful must be directed to that use, and not to another (saving the authority of the Apostolic See)." And the Council of Trent (Session 22, chapter 6, on Reform) warns that "alterations of last wills must be made only for a just and necessary cause."

3. Whether the Pope can alter pious bequests without a reasonable and just cause is a matter of disagreement among the Doctors. The first opinion affirms that when testators leave a pious bequest, they do so with the tacit condition that, unless otherwise ordered by the Pope, it will be fulfilled. The second opinion, which is more common and truer, denies this, because it is a matter of natural law to observe the last wishes of the deceased, and although the Pope is the administrator of pious causes, he cannot alter them without a cause, just as a righteous administrator would not do so. Furthermore, if such an alteration harms the right of a third party, the Pope cannot do this without a cause; for it is a precept of natural law not to harm another.

4. Just and reasonable causes for such alterations are mentioned by the Doctors in four general categories: the cause of necessity, the cause of utility, the cause of piety, and the cause of inconvenience or greater benefit. In particular, several are enumerated.

[*Latin ed. p. 33*]

From page 33 of the collection of decrees by Barbosa (On the office and power of the Bishop, part III, supplement Sj, from the year j; also in the Council of Trent, Session 22, chapter 6, from the year j). 5. In this case, however, no just and reasonable cause appears for changing the pious custom, especially since the contrary will of the testator, expressed explicitly and repeated several times in recent years, is clearly opposed.

FROM THE CONGREGATION FOR RITUALS OF THE MINOR ORDERS. Doubts regarding the translation of feasts. By the Indult of the Apostolic See, granted to the entire Order of the Minor Observants from the year

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1883, it has been permitted that feasts of the first and second class, which, by reason of the occurrence of another feast of higher rank, or of a Sunday, or of a Feria, or of an Octave privileged, cannot be celebrated on their proper day, either accidentally or perpetually, may be celebrated on the very next day, or after those privileged Octaves, with the Office of the first or second class, without impediment, and that the feast occurring on that day should be treated as a Simple Feast. However, in order that important feasts may not be unjustly simplified, and that all doubt may be eliminated, the Most Reverend Father Bonaventura Marrani, General Procurator of the Order of the Minor Observants, on behalf of and with the authority of the Supreme Moderator and the General Definitor of the Order, humbly implored our Most Holy Lord Pope Pius X, that the privileged statement from the special rubric added to the Feast of the Precious Blood of Our Lord Jesus Christ in the Roman Breviary, on Sunday, July 1st, and which in every way resembles the aforementioned privileged statement, should be understood in such a way that Duplex and Semiduplex feasts perpetually transferred from feasts of the first class are not thereby impeded, nor are any greater Duplex feasts or Acts of the Holy See.

[*Latin ed. p. 34*]

34 From the Sacred Congregation for Extraordinary Ecclesiastical Affairs, it is declared that the primary feasts of the Church, which have been accidentally impeded in Minori, may be restored or transferred to another free day, according to the rubrics. Furthermore, it was requested that the Octave of the Most Holy Body of Christ, which was granted to the Order of Friars Minor in the year 1884 with this privilege, so that only duplications of the first class occurring within it would be permitted, be subsequently reduced, for the removal of various inconveniences, so that duplications of the second class may also be transferred, and that the Octave of any feast be permitted. Moreover, the Sacred Congregation of Rites, using the special faculties granted to it by the same Most Holy Lord, graciously approved of the request in all respects, according to the petitions, with the rubrics observed. Notwithstanding any contrary provisions. March 12, 1904. S. Card. CRETONI, Prefect. L. ”f S. f D. Panici, Archbishop of Laodicea, Secretary.

FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS IN URGELL.

Permission is granted to establish a pension from a certain sum of money for a student of the College of Hispania in the City.

Most Blessed Father, John Joseph, Bishop of Urgel in Spain, humbly prostrates himself before Your Holiness, and explains the following:

1. His Eminence Cardinal Casañas, formerly Bishop of this Diocese, received a certain sum of money from the Spanish Government, for the exchange of goods, as I believe, of benefices established in the parish church

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of the town commonly called Agramunt.

[*Latin ed. p. 35*]

From the Sacred Congregation for Extraordinary Ecclesiastical Affairs, 35, 2°. His Excellency, having previously obtained the due permission from the Holy Apostolic See, converts the aforementioned sum into public credit titles, and with its revenues, establishes two benefices and a school for boys in the same town. 3°. The revenues from the titles amount to a sum annually exceeding that which is necessary to pay the pensions of the beneficiaries and to sustain the expenses of the school. Therefore, after many years have passed, a considerable sum now remains unapplied. 4°. In the town of Agramunt, there is today a sufficient number of priests for the service of the parish church; for it consists of only 400 inhabitants, and, besides the parish priest, it has at least four priests. 5. This diocese is very poor, and for this reason, it cannot yet establish a chaplaincy or pension for a diocesan student who, according to the desires and wishes of the Most Blessed Leo XIII, pursues ecclesiastical studies at the Spanish College in the City, established under the protection of the Holy See. Therefore, in order that this chaplaincy or pension may be established quickly, and the mandate of the Holy See fulfilled, Your Holiness is humbly requested by this petition to grant the appropriate and necessary faculty for this purpose, so that the aforementioned sum may be applied to the endowment of that Chaplaincy, which today remains without purpose in the diocesan treasury. And God, etc. From an audience with His Holiness on the 2nd of February, 1904. His Most Holy Lord, Our Pope Pius, by divine Providence, Pope X, having heard the aforementioned petition presented by the Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, deigned graciously to grant the requested favor, notwithstanding any objections. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the day, month, and year mentioned above. L. S. f. Peter, Archbishop of Caesarea, Secretary.

[*Latin ed. p. 36*]

APPENDIX I. » An Exposition, Verified by Documents, Concerning the Severance of Diplomatic Relations Between the Holy See and the French Government. In recent months, particularly, certain members of the present French Cabinet had expressed the intention of gradually leading to a rupture in relations with the Holy See. A decisive step in this direction was the dismissal or recall of the aforementioned Ambassador from Rome. More recently, taking as a pretext certain letters, which, by order of the Holy Father, in fulfillment of the duties inherent in His apostolic ministry, had been addressed to the Bishops of Lavai and of Dijon, the French Government, despite the satisfactory explanations and the benevolent dispositions of the Holy See, deemed it the opportune

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moment to declare the diplomatic relations with the same to be severed. From which side, in the unfolding of events that have led to this result, lies the just cause, will become evident from a genuine and documented exposition of the facts. Of such exposition and the publication of the related documents, which the Holy See would have gladly preferred to keep in the most absolute secrecy, if it had not been a matter of restoring the truth of things, "the responsibility is left to those who have made it inevitable." From almost the very beginning of his episcopate, grave accusations of a purely ecclesiastical nature were brought before the Holy See against Monsignor Geay, Bishop of Lavai, entirely unrelated to the political and religious issues being raised in France. Following the opening of an investigation, these accusations proved to be such that the Holy Father, through the Sacred Congregation of the Holy Office (Document I), advised the aforementioned Bishop to spontaneously renounce his diocese.

[*Latin ed. p. 37*]

Appendix I. 3? finding himself unable to maintain it with the necessary authority and efficacy. In this way, he would have spared himself and the Holy See the displeasure of a process with probable scandals, and on the other hand, he could easily have safeguarded his honor by accompanying the resignation with some plausible reason. The Monsignor Bishop initially accepted the advice (Doc. II); but immediately afterward, he attached the condition to his resignation that he be transferred to another diocese, even if it were the last in France, as he said. The accusations made against Monsignor Geay did not arise from external or internal difficulties, but from intimate and personal reasons, and therefore made the acceptance of such a condition impossible. Due to that long-suffering, which is proper to the Church, and also due to the hope that the future would make the past forgotten, the Holy See hesitated for more than four years. But this long-suffering and this hope were in vain; on the contrary, the accusations became such that they did not allow for further delays, nor did the visit and brief stay in Rome of Mons. Geay in 1900 diminish their significance, which did not allow the Holy See to proceed with a formal judgment. Therefore, the same Sacred Congregation of the Holy Office, by order of the Holy Father, wrote again and in the same sense on May 17th of the present year (Docum. III), repeating the advice given and adding that, if within a month he had not renounced his diocese, the Sacred Congregation would see itself in the necessity of proceeding further, according to the prescriptions of the sacred canons. The Bishop allowed himself to communicate this letter, which was itself very secret, to the French Government; which, with a note dated June 3rd (Docum. IV), requested its withdrawal, supposing that the Sacred Congregation intended to proceed with the deposition of

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the Bishop, if the resignation had not taken place within a month.

[*Latin ed. p. 38*]

38 Appendix I. The Holy See, with a direct dispatch to the Papal Nuncio on June 1st (Document V), which was read aloud and a copy of which was given to Mr. Delcassé, hastened to provide the fullest explanations, declaring that the words "progredi ad ulteriora," which appeared in the aforementioned letter of May 17th, as in the previous letter of January 26, 1900, according to the terminology proper to the Sacred Congregation of the Holy Office, do not signify in any way the deposition of the aforementioned from his office or the imposition of any other disciplinary penalty upon him, but solely the subjecting of him to a regular process according to the form of the sacred canons. Therefore, the Sacred Congregation, in the aforementioned letter, in other words, simply informed the Bishop that, should he not, within the space of one month, follow the advice given to him to resign voluntarily, he would be summoned to Rome, and, after being informed of all the charges against him, he would be invited to defend himself and to justify himself. If the Bishop were to succeed in refuting them, the Holy Father would be most happy to proclaim his innocence; and in the event of a deposition or of a voluntary resignation, the provisions of the concordats would be scrupulously observed by the Holy See. These explanations appeared to satisfy Mr. the Minister; certainly, they received no reply whatsoever, and therefore the Holy See rightly considered that they had been accepted. Furthermore, Monsignor the Nuncio had on various occasions spoken with the French Government, both under the current and the previous Cabinet, regarding the sad situation of the diocese of Lavai, insisting on the necessity of providing a remedy for it. The last time he spoke of it was on January 19th of the current year, with Mr. Dumay, Director of Cults. Meanwhile, Monsignor Geay, on June 24th, addressed a letter to the Holy Father (Document VI), in which, without making any mention of that of May 17th and of the communication made to the Government, he announced his arrival for the following month of October, stating that he had not yet gathered,

[*Latin ed. p. 39*]

Appendix I. 39. All the money of Saint Peter, which he wished to bring personally, and which was to be accompanied by a Canon of the Cathedral, Monsignor Chartier, who was 75 years old. The reply to this letter can be read in Document VII; the Monsignor Bishop responded as in Document VIII; and finally, the Cardinal Secretary of State, in a letter dated July 10th (Doc. IX), informed him of the order of the Holy Father and the Sacred Congregation, namely, that he should be in Rome on the 20th day of the same month, adding the usual sanction to be applied in such cases, and required by the gravity of the obligation to obey, namely, suspension, *ipso facto*

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and without the need for further declaration, from the exercise of his office and jurisdiction; a sanction, however, which should not take effect except in case of contumacy, and which should cease with the very act of obedience. With this in mind, Monsignor Bishop of Lavai was summoned to Rome solely to give explanations regarding his conduct, and to justify himself, if it were possible, against the serious accusations leveled against him. This applies to the Bishop of Lavai; a similar case is that of Monsignor Le Nordez, Bishop of Dijon. Against him, too, serious accusations of a purely ecclesiastical nature were brought before the Holy See, which caused disturbances in the Diocese. Among these, one must not overlook the well-known fact of some young seminarians who, last February, refused to receive the sacred ordination from his hands, preferring to be expelled from the Seminary, followed by almost all of their colleagues. A postponement of the sacred ordinations was necessary; therefore, the Cardinal Secretary of State, in a dispatch dated March 10th (Docum. XII), invited Monsignor Nuncio to inform Monsignor Bishop of Dijon that it was the will of the Holy Father that he suspend the sacred ordinations until further notice. Monsignor Nuncio wrote to Monsignor Le Nordez in this sense on March 11th (Doc. XIII).

[*Latin ed. p. 40*]

4. Appendix I. This letter from Monsignor Lorenzelli was communicated to the French Government; which, with a note dated July 15th (Document XVII), declared that it considered it null and void, because, – it stated – in substance, it is contrary to the concordat agreement, and, in form, the Papal Nuncio does not have the right to correspond directly with French Bishops. Now, it is scarcely necessary to demonstrate that a simple precautionary measure, required by the circumstances, which imposed no penalty whatsoever, and which the same Monsignor Le Nordez recognized as perfectly just and appropriate, cannot be contrary to the Concordat. Furthermore, that the Papal Nuncio cannot correspond directly with French Bishops, the Holy See has never admitted, and in fact, it has never been observed. The painful incident concerning the sacred ordinations revealed sufficiently the anomalous situation in which the Diocese of Digione found itself. Therefore, the Cardinal Secretary of State, by order of the Holy Father, with a letter dated April 24th (Document XIV), invited Monsignor Le Nordez to come to Rome as soon as possible (requesting him to inform him of his arrival as soon as he had determined the date of his departure), not in order to be deposed or to receive any other disciplinary penalty, but solely, as the Bishop of Lavai, to justify himself and to defend himself against the accusations concerning him, which would be fully communicated to him. Monsignor Le Nordez replied, promising that towards the middle of the following month of June, he would be at the disposal of the Holy Father (Document XV). After the entire month of June had passed without result, the Cardinal Secretary of State, by order of the Holy Father, with a

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letter dated July 9th (Document XVI), ordered him to come within fifteen days, under penalty of suspension *latae sententiae* from the exercise of his office and jurisdiction. For the Bishop of Digione, as for the Bishop of La-

[*Latin ed. p. 41*]

Appendix I. 41: The sanction for the precept, therefore, applied only in the case of contumacy and did not take effect, or ceased immediately, in the event of obedience. Monsignor Le Nordez communicated this precept to the Government, being, as he states, compelled to do so by the Government itself; and he replied with the letter of July 19th (Document XVIII), addressed to the Cardinal Secretary of State. The latter responded on July 22nd (Document XIX); thus, it becomes apparent how unfounded is the reproach made to the Cardinal Secretary of State, namely, that he wrote a new letter to the Bishop of Dijon while the Notes of July 23rd were still pending. The French Government, with these threatening Notes (Documents X and XX), repeated that it considered the letter of March 11th, sent by Monsignor Lorenzelli to the Bishop of Dijon, to be null and void, and demanded the withdrawal of the letters that the Cardinal Secretary of State had addressed on July 9th to the Bishop of Dijon and on July 2nd and 10th to the Bishop of Laval, considering them to be injurious to the rights of the Power with which the Holy See had signed the Concordat, and contrary to the Concordat itself. But, first, after making the necessary distinction between the Concordat and the so-called organic articles, which are a unilateral act of the French Government, against which the Holy See has always protested, it is easy to demonstrate the inaccuracy of this judgment, since it is impossible to find any opposition whatsoever between the aforementioned letters and any article of the Concordat (Document XXII). To prove that the Holy See, together with the Concordat, implicitly sanctioned also the organic articles, it is customary to cite the words of the first article of the Concordat: "The public worship shall be, but with due regard to the regulations concerning the police, which the Government will deem necessary for the public tranquility," regulations which would be precisely the organic articles. But the obvious meaning of the aforementioned words and the...

[*Latin ed. p. 42*]

4.2 Appendix L, concerning the history of the Concordat of 1801, demonstrates beyond all doubt that those words refer solely to measures of policing, for the maintenance of good order in the public exercise of worship. Furthermore, as has been mentioned previously, the Holy See had reason to believe that the Government had accepted the explanations given in the letter of June 10th, and therefore had admitted the summoning of Monsignor Geay to Rome to justify himself; as for the threatened suspension,

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it could present no difficulty, since, as has also been stated, it was to take place only in the case of contumacy, and while that contumacy lasted, and since that sanction was attached not only to such personal summonses, but also to general laws, certainly known to the French Government itself, which has never made any objection. Finally, it is difficult to understand how the French Government could logically deny to the Holy See, without a prior formal agreement, the right to advise a Bishop to spontaneously renounce his diocese, or to prohibit him from an act of his ministry, as a prudent measure, required by the circumstances, or to summon him to Rome, even with a corresponding sanction, to justify himself against serious accusations, while the Government itself, without any agreement with the Holy See, claims the right to suppress the salaries due to Bishops, by virtue of the explicit provision of Article Fourteenth of the Concordat. On the other hand, the withdrawal of the aforementioned letters would have signified the subordination of the pontifical authority over the French episcopate to the will of the Government, that is, the complete abdication of pontifical authority over the Bishops of France; therefore, the Holy Father was in absolute impossibility of acceding to the request of the Government without failing in the mission that the Divine Redeemer entrusted to him over the entire Church. This was made known by the Holy See in the conciliatory and benevolent responses given to the French Notes of July 23rd (Documents XI and XXI), demonstrating also, in a conciliatory manner,

[*Latin ed. p. 43*]

Appendix I. 43. This action, however, did not prevent the extension of a month granted to the two Bishops; provided that, in the meantime, they went to Rome to justify themselves. And if they refused to go there, or if they failed to justify themselves, the Government was prepared to communicate with the Holy See in order to provide for the administration of the dioceses. All was in vain (Documents XXIII and XXIV). History will say that the French Government broke its centuries-old diplomatic relations with the Holy See, because the latter, exclusively competent in this matter, after informing the Government itself, summoned two Bishops to justify themselves against the serious accusations leveled against them.

DOCUMENT I.

From the Most Reverend Cardinal Secretary of the Most Reverend Bishop of Lavai.

Office at Mon-

To the Most Illustrious and Reverend Lord,

Several matters, both recent and long past, have been reported to the Most Holy Father, which, alas, are confirmed by irrefutable and entirely certain testimonies, which most certainly demonstrate that Your Eminence

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is no longer able to properly fulfill the duties of your episcopal ministry, with the authority and effectiveness that befits it. Remembering all of this with a sorrowful heart before the Lord, the same Most Holy Father, in order to kindly consider the salvation of Your Eminence and the flock entrusted to you, has, through me, commanded Your Eminence to freely and willingly resign, as soon as possible, the care and governance of this diocese. When this occurs, the entire matter concerning this will be kept secret under the Most Holy Office, in order to protect the honor and reputation of Your Eminence. Be truly diligent in this, lest, God forbid, it be necessary to proceed further.

[*Latin ed. p. 44*]

44 Appendix I. While, therefore, being indeed sick and suffering, I obey the commands of the Supreme Authority and promptly give my response to Your Eminence, I offer you greetings in the Lord. Rome, on the 26th of January, 1900. L. M. Card. PARÖCCHI.

DOCUMENTO I

To the Most Reverend Bishop of Laval, from His Holiness Pope Leo XIII.

Most Holy Father, I have the honor of placing before Your Holiness my resignation from the See of Laval. Prostrate at the feet of Your Holiness, I implore you to accept the expression of my most respectful and filial gratitude.

Laval, 2nd of February, 1900.

f PIERRE JOSEPH, Bishop of Laval.

DOCUMENTO III

From the Eminent Cardinal Secretary of the Holy Office to the Most Reverend Bishop of Laval.

Most Illustrious and Reverend Lord,

Letters have already been sent to Your Eminence by this Congregation, in which, in the name of the Holy See, you were invited to voluntarily resign the care and governance of the diocese entrusted to you.

Since, therefore, the causes of this most serious resolution still fully persist, by order of the Most Eminent Fathers Cardinals, and together with the General Inquisitors, I am compelled to reiterate that invitation, earnestly imploring you not to do anything that would hinder the Holy Congregation from proceeding to...

[*Latin ed. p. 45*]

Appendix I. 45. Furthermore, you are commanded, and this will certainly occur, unless, may God prevent it, within one month from the date

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of these letters, that you obey. — May God protect you, etc. In Rome, on the 17th of May, 1904. S. Card. VANNUTELLI.

DOCUMENT IV.

To the Most Reverend Signor, the Delegate for Affairs of France, Secretary of State.

(Note). By a letter dated May 17, 1904, and signed by Cardinal Vannutelli, the Bishop of Laval was invited to resign his office within the space of one month, under penalty of serious measures. The Government of the Republic is obligated to protest against such a procedure undertaken without its consent. The Bishop of Laval was regularly appointed and instituted according to the conditions foreseen by Article 5 of the Concordat of July 15, 1801, which is worded as follows: "The appointments to the bishoprics which shall become vacant in the future shall also be made by the First Consul; and canonical institution shall be given by the Holy See." It must be so for dismissal or forced resignation, as for appointment. The powers of a Bishop cannot be conferred or withdrawn without a decision of the Government of the Republic. Therefore, by exercising, without the knowledge of the French Government, and through an authority that the French Government does not recognize, an act of undisguised pressure on the Bishop of Laval, in order to induce him to give his resignation, the Holy See infringes upon the right recognized to the State by the ar-

[*Latin ed. p. 46*]

4 6 Appendix I. Article 5 of the Concordat. Therefore, orders have been given to the undersigned to inform His Eminence, the Cardinal Secretary of State, that, if the letter of May 17th is not annulled, the Government will be compelled to take the measures that a similar derogation from the pact binding France and the Holy See entails. The Chargé d'Affaires of France, the undersigned, seizes this opportunity to assure His Eminence, the Cardinal Secretary of State, of his highest esteem. Rome, June 3, 1904. ROBERT DE COURCEL. DOCUMENT V. To the Most Reverend Monsignor, Apostolic Nuncio in France, from the Most Eminent Cardinal Secretary of State. Most Illustrious and Reverend Sir, Mr. De Courcel has submitted to me, by order of his Government, a Note, a copy of which I enclose for Your Eminence. Since this matter concerns the conduct of a Bishop, it is the desire of the Holy Father that as few people as possible be involved in it; and therefore, rather than responding directly to Mr. De Courcel, I hasten to provide Your Eminence with appropriate explanations on the subject, and the task of presenting them to this Minister of Foreign Affairs. To fully understand the meaning and scope of the letter sent on May 17th of this year by Cardinal Serafino Vannutelli, as Secretary of the Sacred Congregation of the Holy Office, to Monsignor Geay, Bishop of Lavai, it is necessary

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to bear the following considerations in mind. No one is unaware that it is a grave duty of the Roman Pontiff – a duty intimately connected with his primacy of...

[*Latin ed. p. 47*]

Appendix L 47: Jurisdiction over the Catholic Church – to diligently oversee the progress of individual dioceses throughout the Catholic world, in order to promote their advancement in good works, and to prevent, if necessary, their spiritual decline. It is also known that, in the fulfillment of this high duty, the Supreme Pontiff is assisted by the Roman Congregations, among which the Supreme Congregation of the Holy Office is foremost, to which is entrusted the most important and vital task in the Church, namely, to safeguard the integrity of the faith and the purity of morals, especially among the clergy, and particularly among bishops. Therefore, it is fitting that this Congregation is honored to have the Supreme Pontiff himself as its Prefect, and a Cardinal as its Secretary. Since the year 1899, by express order of the Supreme Pontiff Leo XIII, the aforementioned Supreme Congregation of the Holy Office was obligated to seriously examine the charges made against Monsignor Geay and the consequences that resulted in the religious and moral state of the diocese. From this examination, it immediately became apparent that only two courses of action presented themselves: either a regular proceeding according to the sacred canons, without neglecting, at the appropriate time, the prescriptions of the Concordat, or the other, an appeal to the conscience and personal advantage of the Bishop, inviting him to a free and voluntary resignation. After careful consideration, and with the intention of avoiding scandals and rumors, and at the same time of providing, as best as possible, for the honor of the Bishop, and of sparing him and the Holy See the pain of a canonical trial in such a delicate matter, the second course of action was chosen, it being clear that it would be easy for Monsignor Geay to justify his voluntary withdrawal with plausible reasons. In response to the invitation made to him in this sense on January 26, 1900, on behalf of His Holiness Leo XIII, Monsignor Geay hastened to respond with the following letter, dated from the Archbishopric of Bourges on February 2, 1900:

[*Latin ed. p. 48*]

4 8 Appendix I. "Most Holy Father. — I have the honor of submitting to the hands of Your Holiness my resignation from the See of Laval. "Prostrate at the feet of Your Holiness, I beseech You to accept the expression of my most respectful and filial gratitude." It seemed that the time had arrived for the Holy See to treat the matter with the French Government in accordance with the Concordat; but, unfortunately, the aforementioned letter was followed by various others, all intended to declare that the stated resignation should be understood as conditional, that is, subject to a transfer

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to another diocese in France, even if it were the most humble and modest, as he said. It was impossible to accede to the desire of Monsignor Geay, because the advice to resign was not prompted by local and external difficulties, but by intimate and personal reasons, which tended to obscure the dignity and respectability of the Bishop. It was therefore decided to repeat the advice; but with that long-suffering and indulgence which is characteristic of the Holy See, time was taken before resuming the matter, in the hope that perhaps Monsignor Geay would, in fine, himself recognize his false and painful situation in the See of Laval. When this hope failed, the present Pope, Pius X, moved solely by the sentiment of duty inherent in the supreme apostolate and mindful of the account he must render to God, ordered the Sacred Congregation of the Holy Office to resume the painful matter; hence the new letter of May 17th of the current year. The tenor of this letter is entirely analogous to that of the other sent on January 26th, 1900; only it is added that if the Bishop does not follow the advice of resignation within the space of one month, the Sacred Congregation would be compelled to proceed further. In the phrasing...

[*Latin ed. p. 49*]

Appendix I. 49, pertaining to the Sacred Congregation: The expression "to proceed to further steps" does not, as it seems the French Government believes, already signify that, should the Bishop not resign within the space of a month, his deposition, that is, the deprivation of the diocese, or other penal measures, would inevitably follow. Rather, it signifies solely that, should the recommended resignation not occur, the Sacred Congregation would find itself obligated to resort to the first course of action mentioned above, namely, to summon Monsignor Geay to Rome, so that he might obtain a thorough and accurate understanding of the various charges made against him, both in a moral and ecclesiastical order, and to provide, in this regard, all the explanations that he deems necessary and appropriate to fully enlighten the consciences of the judges. If, in this process, which is certainly very painful for him and for the Holy See, Monsignor Geay were to fully vindicate himself, he would return to his diocese without any reproach whatsoever; if, on the contrary, the charges made against him were proven, either in whole or in part, the situation would become much more serious and distressing. I hope that this genuine exposition of views and facts will serve to modify the severe judgments of Mr. Delcassé regarding the letter of May 17th. To find any violation of the concordat agreement in the procedure used against the Bishop of Lavai, one would have to argue that French Bishops, by virtue of the same Concordat, have become mere officials of the State, entirely freed from those bonds by which, by divine institution, the Catholic episcopate is bound to the Supreme Head of the Church, so that the Roman Pontiff, despite most serious reasons of a moral and religious order, cannot, without the prior consent of the

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Government, either advise a Bishop to freely and spontaneously resign for his own personal benefit and that of the diocese, nor summon him to Rome to justify himself against the charges made against him. Everyone can see how contrary this is to the *Acta S. Sedis*, Volume XXXVII, page r. 4.

[*Latin ed. p. 50*]

5th Appendix I. reputation; this would be almost equivalent to saying that the French Bishops were, by the same Concordat, placed outside the Catholic Church. I am sorry to have been compelled to enter into details that touch upon the good reputation of a Bishop, and I have done so only with a special dispensation from the Most Holy Father regarding the most strict secrecy of the Holy Office, leaving all responsibility to Monsignor Geay, who has permitted the communication of a letter which is itself most secret. At the same time, I trust that Mr. Delcassé, animated, as he is, by sentiments of impartiality, will recognize in the explanations given a new pledge of the Holy Father's sincere desire to see all difficulties existing between the French Government and the Holy See amicably resolved. Your Eminence is authorized to read this dispatch to him, and, if necessary, to provide him with a copy. With sentiments, etc. Rome, June 1904. R. Cardinal MERRY DEL VAL. DOCUMENT VI. Monsignor, Bishop of Lavai, to the Most Holy Father. Lavai, June 24, 1904. Most Holy Father, Allow one of your sons to come, on the occasion of the feast of Saint Peter, to express to you his sentiments of profound veneration, of absolute devotion, along with his religious wishes for your health and happiness. As I had the honor, a few months ago, to write to Your Holiness, I have the sweet hope of soon prostrating myself at your feet, in order to bring to you and express to you in person my most filial homage.

[*Latin ed. p. 51*]

Appendix L 5i. This year, 1904, is the year that should bring me back to the Confession of Saint Peter, in order to offer my prayers there, and to the Head of the Church, in order to render an account of my episcopal administration. If I were to listen only to the impatience of my heart, I would anticipate by a few months the date that I had set for myself, and which I had indicated to Your Holiness. But it is only in the month of October that I will have gathered all the resources of the Peter's Pence, which I am eager to deliver myself. Then, before accompanying me, a member of my Chapter, Mgr. Chartier, a man of 75 years, has implored me to wait until the end of the great heat to undertake this long journey. In the meantime, I pray Your Holiness to believe that no bishop is better disposed to follow your teachings than the humble bishop of Laval, after having already suffered for having scrupulously obeyed those of the late Pope Leo XIII. God has blessed him by giving him the heart of the entire people, and the persecution of the rulers. But peace reigns, thank God, and the name

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of Jesus Christ finds ever more of its glory there. Deign, Your Holiness, to accept the most filial and devoted tributes of one of your most humble bishops of France.

f PIERRE DOCUMENTO JOSEPH, Bishop of Laval.

VII. The Most Eminent Signor Cardinal Secretary of State to Mgr. Laval, Bishop.

Most Illustrious and Reverend Sir, the Holy Father, having received the letter that Your Eminence addressed to him on the 24th of last [month].

[*Latin ed. p. 52*]

52 Appendix I. In June, he ordered that it be communicated to the Most Holy Congregation of the Holy Office, of which he is Prefect; and the Most Eminent and Most Reverend Lords, General Inquisitors in the Congregation of June 30th, issued the following decree, approved in the subsequent audience by His Holiness: "It must be replied, according to the Most Eminent Cardinal of the Secretariate of State, in the following manner, that is to say: 'The Holy Father has been painfully surprised to learn from the letter of Mgr. Geay that he has not yet obeyed the injunctions of the Most Holy Sacred Congregation of the Holy Office, but rather has given the impression of paying no heed to them; therefore, maintaining these dispositions, he is to be invited to go to Rome within fifteen days from the date of this letter, to be formally constituted before the aforementioned Sacred Tribunal regarding the various accusations brought against him, under penalty of suspension *latae sententiae* from the exercise of his order and jurisdiction, which will be incurred by the very fact of failing to comply within the established term.' In carrying out the task entrusted to me by the Holy Father through the Holy Congregation, which is the organ of His decrees in the most important matters, I seize this opportunity, etc. Rome, July 2, 1904. R. Card. MERRY DEL VAL. DOCUMENT VIII. Monsignor, Bishop of Lavai, to the Most Eminent Lord, Secretary of State. Lavai, July 6, 1904. Most Eminent Lord, As every French Bishop must do, I communicated yesterday, the 5th, to my Government, and personally, the letter that Your Eminence, Most Illustrious, has done me the honor of sending.

[*Latin ed. p. 53*]

Appendix I. 53, concerning my writing to you, in response to the letter that placed my filial love at the feet of the Holy Father. At the same time, I requested from the Minister of Cults permission to proceed immediately to Rome, in accordance with the order of the Holy See. I regret to inform you that said permission was absolutely refused to me, in the name of Article 20 of the Law of Germinal, and under penalty of prosecution. If Your Eminence has any objections to raise regarding this matter, she will kindly address them to the French Government. I shall always adhere to what has been settled between it and the Holy See. I hope to send you,

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before long, the greater part of the Peter's Pence which I was eager to carry myself. Deign, Your Eminence, Most Reverend, to accept my regrets and my humble homage.

f PIERRE JOSEPH, Bishop of Laval.

DOCUMENT IX. The Most Eminent Signor Cardinal Secretary of State to the Most Reverend Bishop of Laval.

Most Illustrious and Reverend Sir,

Following the letter sent by Your Most Illustrious and Reverend Self on the 6th of the current month, and in obedience to the orders of the Holy Father and the Most Holy and United Inquisition, I perform the painful duty of drawing Your Attention to the Constitution "Apostolicae Sedis," and of warning you that, in conformity with the content of such a document, you should consult your own conscience. Furthermore, by order of His Holiness and the aforementioned Supreme Dicastery, I hasten to remind you once again of the decree issued regarding you.

[*Latin ed. p. 54*]

Appendix I. The aforementioned Holy Congregation, on the 30th day of June, ordered [the individuals] to present themselves in Rome by the 20th day of the current month, and also informed them that, should they fail to observe this term without good reason, they would, without further declaration, incur the suspension *latae sententiae* from the exercise of their office and jurisdiction. Having completed this unpleasant task, I proceed, etc. Rome, 10th of July, 1904. R. Card. MERRY DEL VAL.

DOCUMENT X.

The French Chargé d'Affaires to the Most Reverend Secretary of State. Cardinal (Note).

In response to the note presented to His Eminence, the Cardinal Secretary of State, on the 3rd of June last, to protest, in the name of the Government of the Republic, against the injunction addressed by the Holy See to the Bishop of Laval to resign his office within the space of one month, His Excellency the Apostolic Nuncio came to Mr. Delcassé to give him the following explanations, which he confirmed to him a few days later by communicating to him the very text of the letter dated the 10th of June, which he had received on this matter from Mgr. Merry del Val. The notice given to the Bishop of Laval did not signify that, if that Prelate did not resign within the space of one month, proceedings would be initiated, without further formality, to depose him; it signified only that, if the recommended resignation did not take place, the Congregation of the Holy Office would be obligated to summon Mgr. Geay to Rome, so that he might justify himself

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against the imputations made against him.

[*Latin ed. p. 55*]

Appendix I. 55 The Cardinal Secretary of State defended himself against the notion that he wished, "without observing the Concordat," to initiate a procedure that could lead to the suspension or deposition of a Bishop. And His Eminence added that he had the confidence that "in the explanations given, a new guarantee would be seen of the Holy See's fervent desire to resolve amicably all the difficulties existing between the French Government and the Holy See." Contrary to these assurances, His Eminence, the Cardinal Secretary of State, wrote directly to the Bishop of Laval on July 2nd, threatening him with suspension if, within fifteen days, he did not present himself in Rome before the Tribunal of the Holy Office. And since the Bishop of Laval had not complied, he received a new letter dated from the Secretariat of State of His Holiness on the 10th of that month, signed by Mgr. Merry del Val, informing him that, if he did not present himself in Rome by July 20th at the latest, he would thereby incur, and without the need for a subsequent declaration, suspension *latae sententiae* from the exercise of his office and jurisdiction. After the warning contained in the aforementioned Note of June 3rd last, and when the grievances invoked against the Bishop of Laval date back several years, it is impossible to misunderstand the nature of these hasty and repeated summonses. By ordering, directly and without the knowledge of the Government, a Bishop who, in his capacity as administrator of a diocese, is subject to the Minister of Cults, the Holy See disregards the rights of the Power with which it signed the Concordat. By threatening this Bishop with suspension if he does not present himself in Rome, and by informing him that, if he did not present himself in Rome by July 20th at the latest, he would thereby incur, and without the need for a subsequent declaration, suspension *latae sententiae* from the exercise of his office.

[*Latin ed. p. 56*]

56 Appendix I. and jurisdiction, the Holy See disregards the provision of the Concordat, from which it follows that a Bishop cannot be suspended or deposed without the agreement of the two Authorities that contributed to his appointment. Such an attitude dictates the conduct of the Government of the Republic. For this reason, the undersigned has been instructed to inform His Eminence the Cardinal Secretary of State that if the letters of July 2nd and 10th to the Bishop of Laval are not withdrawn, and if effect is given to the threats contained therein, the French Government will have to understand that the Holy See no longer cares about its relations with the Power that, fulfilling the obligations of the Concordat, has the duty to defend the prerogatives that the Concordat confers upon it. And the Government of the Republic leaves to the Holy See all responsibility for

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the resolutions to which it will have been reduced. The Chargé d'Affaires of France, the undersigned, seizes this opportunity to assure His Eminence the Cardinal Secretary of State of his very high consideration. Rome, July 23, 1904. ROBERT DE COURCEL. DOCUMENT XI. To the Most Eminent Cardinal Secretary of State from the French Chargé d'Affaires. (Note). The undersigned Cardinal Secretary of State has not failed to give his full attention to the Note, dated July 23rd of the current month, in which the French Chargé d'Affaires, after mentioning the explanations contained in the dispatch addressed to Monsignor the Nuncio in Paris on June 10th last, and the notices received on...

[*Latin ed. p. 57*]

Appendix; I. 5? 2, and July, to Monsignor, the Bishop of Lavai: observe that the Holy See, by summoning a Bishop to Rome without the knowledge of the Government, "disregards the rights of the Power with which it has signed the Concordat," and, threatening the Bishop with the penalty of suspension, if he does not present himself in Rome, "disregards the provision of the Concordat, from which it results that a Bishop cannot be suspended or deposed without the agreement of the two authorities that contributed to his creation." – After these assertions, the Minister Plenipotentiary, in the name of his Government, declares that if the two aforementioned letters addressed to Monsignor Geay are not withdrawn, and if the threats contained therein are carried out, "the French Government will have to understand that the Holy See no longer has an interest in its relations with the Power, which, in fulfilling the obligations of the Concordat, has the duty to defend the prerogatives that the Concordat confers upon it." To respond adequately to these observations, it will be useful first to briefly explain the exact state of the matter. For reasons of an exclusively ecclesiastical nature and entirely unrelated to the political issues that are agitating France, the Supreme Pontiff, in fulfillment of the duties of his apostolic ministry over the entire Church, considered it appropriate to advise the Bishop of Lavai to voluntarily renounce his diocese, since in this way he would spare himself and the Holy See the displeasure of further proceedings. Since Monsignor Geay did not follow this prudent and paternal advice, repeated several times, the Holy See made it known to him that it would find itself in the necessary duty to summon him to Rome, so that he might give the necessary explanations regarding the serious accusations made against him. Therefore, this was not a case of deposition, in which case the Holy See would have informed the Government, nor of any other penal provisions.

[*Latin ed. p. 58*]

58 Appendix I. but rather by a simple summons to Rome for justification. Upon arriving in Rome, he would have been informed of the charges against him, with full freedom to examine them and defend himself; and

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if he succeeded in refuting them, the Holy Father would have been most pleased to proclaim the groundlessness of the accusations. All of this, the Holy See formally declared in the dispatch sent directly to the Papal Nuncio in Paris on June 10th of the current year, of which a reading and a copy were given to Mr. Delcassé, in response to the Note of the 3rd of the same month, which was submitted to the undersigned Cardinal by the French Chargé d'Affaires. The explanations given appeared to satisfy Mr. Minister; certainly, they did not receive any reply, and therefore, the Holy See reasonably believed that they had been accepted. Furthermore, the Monsignor Nuncio had repeatedly discussed with the Government, both under the previous and the current Cabinet, the painful situation of the diocese of Lavai, highlighting the need for a measure. In this state of affairs, and always with the aforementioned purpose of his justification, an order was sent to Mons. Geay to go to Rome, adding the canonical sanction required by the gravity of the obligation to obey, a sanction which, moreover, should only take place in case of contumacy and should cease with the very act of obedience. In the aforementioned dispatch of June 10th to the Monsignor Nuncio, the undersigned Cardinal stated that, assuming a regular procedure, the provisions of the Concordat would not have been neglected at the appropriate time, which referred to the hypothesis of a deposition or a voluntary resignation, but he did not assert that the Holy See would abstain from summoning the Monsignor Bishop of Lavai to Rome, obliging him in conscience to obey, even with canonical sanction. These precedents refer to the letters of July 2nd and 10th to the Monsignor Bishop of Lavai, of which the Government...

[*Latin ed. p. 59*]

Appendix I. The French [government] demands the withdrawal [of certain actions], judging them to be violations of the Concordat; but it is easy to demonstrate the inaccuracy of this judgment. Indeed, in the first place, the Concordat is clearly distinct from the subsequent organic Articles, which are a unilateral act of the French government, against which the Holy See has never ceased to protest; and in none of the 17 articles of the Concordat, either in spirit or in letter, is it written that the Holy See cannot, without the prior consent of the government, advise a Bishop to renounce his diocese for his own greater personal benefit and that of the diocese itself, or summon him to Roma to provide explanations regarding his conduct. Nor could the Roman Pontiff grant this without failing in the sacred duties of Supreme Pastor of the Church, for although it is not disputed that Bishops in France must have the necessary relations with the government as defined by the Concordat, nevertheless, they depend on the Roman Pontiff who conferred this jurisdiction upon them through canonical institution and who preserves it, and the Roman Pontiff cannot make this dependence subject to the consent of the civil authority.

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Indeed, that the Roman Pontiff, even after the Concordat, retains full authority over the Bishops in Francia, is also evident from the solemn and special oath that the French government cannot ignore, as it is part of the canonical institution that must be united with the Bulls, and with which the Bishops obligate themselves, without any restriction, to receive and faithfully execute the injunctions of the Roman Pontiff: "Humbly I will receive the apostolic mandate and execute it with the utmost diligence." And in particular, that the Roman Pontiff, even after the Concordat, can summon the Bishops of Francia to Roma to give an account of their actions, is confirmed by the well-known law, which the French government certainly knows and which, without any subordination to the consent of the government, obliges the Bishops of Francia, as of...

[*Latin ed. p. 60*]

6th Appendix I. Other countries of Europe, under pain of *latae sententiae*, are obliged to visit Rome every four years, or at least to send one of their representatives, for the principal purpose of presenting to the Roman Pontiff the state of their diocese and to receive instructions, advice, and commands. After these reflections, it is fitting to hope that the French Government will be persuaded that on the part of the Holy See, there has been no violation of the Concordat, and that, inspired by sentiments of equity, it will not insist on the withdrawal of the letter in question, thereby sparing its country profound religious disturbances. Indeed, such a withdrawal would amount to a complete abdication of the authority of the Pontiff over the episcopate; an abdication which is not within the power of the Holy Father, nor can it be within the intentions of the Government of the Republic. Only in order to give further proof of its conciliatory dispositions, and to demonstrate that in all these painful incidents it has always and solely been inspired by the sentiment of its own duty, the Holy Father would not be averse to extending the deadline given to the Most Reverend Bishop of Lavai by one month, provided that he goes to Rome in the meantime to justify himself; and if he refuses to go there, or fails to justify himself, the Government should show itself willing to confer with the Holy See in order to provide for the administration of the diocese. From this act of deference, it can easily be argued how much interest the Holy See has in maintaining good relations with the Government of the Republic, based on the exact observance of the provisions of the Concordat. The Holy Father, because of the particular affection which, following the example of his illustrious predecessor, He feels for the noble French nation, would be greatly saddened to see the Government of the Republic, solely in order to prevent the justification of a Bishop before the competent authority, resort to unjustified acts of hostility, for which the Holy See could bear no responsibility, neither

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before God, nor before men.

[*Latin ed. p. 61*]

Appendix I. 61 The undersigned Cardinal Secretary of State, while praying the Most Reverend Chargé d'Affaires of France to bring the foregoing to the knowledge of his Government, seizes the opportunity to reaffirm to him the sentiments of his most distinguished esteem. Rome, 26 July 1904. R. Card. DOCUMENT MERRY DEL VAL. XII. The Most Reverend Cardinal Secretary of State to His Excellency, the Apostolic Nuncio in Paris. (Telegram) Rome, 10 March 1904 - 8:30 PM. I beg Your Excellency to immediately inform the Bishop of Dijon that it is the will of the Holy Father that ordinations be suspended until further notice. Your Excellency should report the Bishop's response. Card. MERRY DEL VAL. DOCUMENT XIII. To the Most Reverend Apostolic Nuncio in Paris, to the Bishop of Dijon. Paris, 11 March 1904. Most Illustrious and Reverend Lord, Having been instructed by the Most Blessed Father, I hasten to make known to Your Eminence that His Holiness desires that, until a new disposition of the same Holiness, the Sacred Order be suspended by you, Most Reverend Prelate. Always ready to transmit to Rome whatever Your Eminence may wish, or in any other matter, to be of service to you, as far as is possible for me.

[*Latin ed. p. 62*]

62 Appendix L: With fraternal affection and obedience, I remain, serving, to Your Most Illustrious and Reverend Eminence. Your most humble servant, BENEDICT LORENZELLI, Archbishop of Sardinia, Apostolic Nuncio in Gallus.

DOCUMENT XIV: From the Most Eminent Cardinal Secretary of State to Monsignor Scovo of Dijon.

Most Illustrious and Reverend Sir, The Holy Father has entrusted me with the task of inviting Your Eminence to travel to Rome as soon as possible. To carry out the venerable charge of His Holiness, I beg you to inform me of your arrival as soon as you have determined the day of your departure; meanwhile, I seize this opportunity, etc.

Rome, April 24, 1904.

R. Card. MERRY DEL VAL.

DOCUMENT XV: From Monsignor, Bishop of Dijon, to the Most Eminent Cardinal Secretary of State.

Dijon, May 3, 1904.

Eminence, I had the honor of expressing to Your Eminence the keen regret that I felt for delaying in responding to the letter that I had received from You. Indeed, I desired to attach to my letter a Report that Your Eminence might place before the eyes of the Holy Father, and it has taken me

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the last two days to dedicate myself to it. I begin on Saturday my Pastoral tour of Confirmation.

[*Latin ed. p. 63*]

Appendix I. Sixty-three confirmations; all the parishes are prepared, all the children instructed, and the matter has been officially announced for a month. My absence and my departure for Rome would have caused the greatest disturbance, and the effect would have been deeply regrettable, especially at this moment, when calm has returned to minds. My tour will end around the middle of June, and I will then be at the disposal of the Holy Father. Amidst the trials that have been inflicted upon me, my thoughts have often turned to His Holiness; I ardently desire to prostrate myself at His feet, and also, I do not conceal it, to make myself known to Him. For have not efforts been made to predispose Him against me, and to depict me to Him in a light that is not that of truth? I dare to implore you, Eminence, to submit to His Holiness the note that I enclose with this letter. A month ago, I wrote to His Excellency the Apostolic Nuncio in Paris, that I wished to enlighten His Holiness with a precise and sincere report; I was eager to do so. I pray Your Eminence to accept the tribute of my profound respect.

ALBERT. EV. of Dijon.

DOCUMENT: To the Most Illustrious and Reverend Lord,

From the Secretary of State, Rome, the sixteenth day.

Most Illustrious and Reverend Sir,

By order of the Holy Father, I hasten to inform Your Eminence that His Holiness has been deeply saddened to learn that Your Eminence, after having promised to travel to Rome before the end of June, has not kept that word. His Holiness therefore commands you to travel to Rome within fifteen days of this letter, under pain of suspension.

[*Latin ed. p. 64*]

6.4 Appendix I. Sentences issued by the exercise of the order and jurisdiction, are rendered ineffective by the very fact, having expired the established term, rendering them useless. Having not executed this pontifical charge, etc. Rome, 9 July 1904. R. Card. DOCUMENT MERRY DEL VAL. XVII. The French Chargé d'Affaires to the Most Eminent Secretary of State. Sir, (Note). From information received by Mr. the President of the Council, Minister of the Interior and Cults, of which Mr. Combes had to and could verify the accuracy, it appears that His Excellency, the Apostolic Nuncio in Paris, transmitted, on March 11th last, to the Bishop of Dijon an order from the Holy Father to suspend ordinations in his diocese until further notice. The Government of the Republic is obliged to protest against such a procedure carried out without its consent; in substance, because any measure tending to diminish the prerogatives of a Bishop and to inflict upon him, in a certain sense, a partial deposition, is in opposition to the concordat;

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and in form, because the Pope's Nuncio has no right to correspond directly with French Bishops. Therefore, orders have been given to the undersigned to inform His Eminence the Cardinal Secretary of State that, in accordance with the spirit and the letter of the Concordat, the Government must consider the letter of March 11th as null and void. The Chargé d'Affaires of France, the undersigned, seizes this opportunity.

[*Latin ed. p. 65*]

Appendix L 65 occasion to assure His Eminence the Cardinal Secretary of State of his very high regard. Rome, July 15, 1904. ROBERT DE COURCEL. DOCUMENT XVIII. Monsignor, Bishop of Dijon, to the Most Reverend Cardinal Secretary of State. Paris, July 19, 1904. Eminence, I received, at the northernmost part of France, where I was taking some rest, the letter that Your Eminence addressed to me. It reached me on July 12 at midday. The day before, Mr. Bizouard, the pastor of St. Bénigne of Dijon, the principal instigator of the disturbances that have plagued my Diocese for seven months, declared to the priests of his deanery, who were gathered in conference, that he "had just received a letter from the Pope informing him of the measures taken against me," "and another letter from Your Eminence declaring that the clergy of my Diocese had no reason to worry about the ordination, which would be given in September, in my Cathedral, by a foreign bishop." I did not hesitate for a moment to consider the sources cited by Mr. Bizouard to be false. But I was struck to see that the decisions of the Holy See concerning me were known to this ecclesiastic before they were known to me. There was certainly an illegitimate disclosure by some subordinate; I attribute the newspaper articles, published in France for the past eight days, to this source, and I have taken care to inform Your Eminence of this. As for myself, I have kept the letter that I received from You secret. When required by the French government to communicate it, I did not believe I had the right to. Acta S. Sedis, Vol. XXXVII.

[*Latin ed. p. 66*]

66 Appendix I. I refuse. I made this communication this morning, passing through Paris to return to my diocese. I had the honor of writing to Your Eminence a little more than two months ago; I eagerly await the opportunity to present myself to the Holy Father, to render to his Holiness the duties of my profound respect, and to assure his Holiness of my devotion to the Holy See, a devotion which neither anything nor anyone will be able to weaken. I am eager to be known by the Pope, because I am certain that half an hour will be sufficient to gain his esteem, his trust, and to dispel the prejudices that hatred, falsehood, and calumny may have inspired in his Holiness towards my person. But, after seven days of reflection before God, I am obligated to declare to Your Eminence that I do not believe I can go to Rome under the conditions in which I am invited. I feel deep

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sorrow over this, and I see the evils that threaten the Church of France, the deplorable complications that this incident adds to the already gravely compromised state of religious affairs. But, I cannot. For seven months, I have been the object of insults as odious as they are vulgar on the part of some priests in my diocese. They have incited against me the young clerics of my seminary, devout young laymen, and pious and credulous women. Recently, they have employed lies, threats, and money to induce poor children to refuse the Sacrament of Confirmation from my hands. They have based their actions on the hateful and, indeed, foolish accusation that I was a member of a sect of which I have never even known a member, and of which I would blush to even write the name here. I have remained silent; I have endured everything with composure, awaiting the day of truth. They have repeated a thousand times that, for this reason, I was denounced.

[*Latin ed. p. 67*]

Appendix I. 67 to the Holy See, and for six months they have said each day that I am to be deposed. The Holy See has never informed me, not even by the slightest word, that I was accused before It on this matter. Five months ago, through the Apostolic Nuncio, I declared that I was entirely at the disposal of the Holy Father for any explanations or justifications; none have been requested of me. Two months ago, I had the honor, through the intercession of Your Eminence, to address a Report to His Holiness, of which, I dare to say, neither the clarity nor the sincerity leaves anything to be desired. I concluded it by declaring myself ready to add all the details that His Holiness might wish. — None have been requested of me yet. Today, Eminence, I receive the order to go to Rome under penalty of suspension of my jurisdiction. And this is the only communication that has been deemed fit to be given to me; the only support that is given to me in this struggle that I am enduring patiently and valiantly for the defense of justice and of the character with which God and the Holy See have adorned me. — And all of this is revealed, given as fodder to the press and to popular passions. What guilty person, then, do they think I am? What bishop are they judging me to be? Does my life of solitude, of labor, and of devotion to the Church and to my Diocese deserve only this sentence? I dare to declare it: there is not a bishop in France more closely attached to the Holy See than I; whoever attacks it, will find me in his path. But must I also cast my person and my sacred character into infamy? ... No, that cannot be; falsehood cannot conquer in this way. Pius X is just and good as much as he is firm. He will not treat the bishop that I am in this manner.

[*Latin ed. p. 68*]

68 Appendix I. Therefore, Eminence, I shall await a definitive notification of the censures with which I am threatened. The Holy Father may rest

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assured that, not for a single hour, will I fail to give my clergy the example of respect for authority, which I have so often preached to them. I pray that Your Eminence will accept the expression of my sentiments of profound respect. f ALBERT, EV. of Dijon. DOCUMENT XÍX. The Most Reverend Cardinal Secretary of State to Monsignor, Bishop of Dijon. Rome, July 22, 1904. Monsignor, I have just received the letter that Your Grace addressed to me on the 19th of this month. I immediately brought it to the attention of the Holy Father. In the most formal manner, I can assure you that His Holiness has not written a single word to Mr. Abbot Bizouard, and that I myself have made no communication to him regarding the ordinations in Dijon. If Mr. Bizouard has permitted himself to make the assertions reported to Your Grace, he will necessarily have to answer for them to those to whom it is due. — But, Monsignor, regardless of everything that may have been said to you, I am charged by the Holy Father to once again draw your attention to the extreme gravity of your present situation. After having been invited by the Holy Father to come to Rome in the first half of the month of June, you promised His Holiness that you would present yourself here in the second half of last month, and you told him that this delay was imposed upon you by the necessity of making a tour of confirmations already announced. You did not come, and you departed for Paris and the north of France. The Holy Father waited until July 9th, and then He gave you the order.

[*Latin ed. p. 69*]

Appendix I. 69 Under pain of suspension, you are to travel to Rome within fifteen days. Your Eminence, she herself states, has informed the Government of this letter, without regard for the prescriptions of the *Bulle* "Apostolicae Sedis." You tell me, Monsignor, that half an hour would suffice to explain your position to the Holy Father, to gain His esteem and trust, and to dispel the prejudices that hatred, falsehood, and calumny may have inspired in the Holy Father towards your person. It was to grant you this half hour, and even more, that the Pope called you to Him; but instead of obeying and fulfilling your promise, you departed for Paris. The Holy Father has pronounced no judgment on the alleged facts, and it is precisely because He did not wish to pronounce any judgment without hearing you and giving you the opportunity to gain His trust and dispel any accusation, that He called you to Rome. You preferred to remain in France and to inform the civil authority of an order that was addressed to you by the Holy Office in the name of the Holy Father Himself. I am charged by the Holy Father to invite you today to fulfill your duty and to act according to your conscience, especially now that the term granted to you is about to expire. Your Eminence declares, "that there is no bishop in France more closely attached to the Holy See than Your Eminence," and that "whoever attacks him will find me in his path." The Holy Father

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does not wish to doubt your sentiments, and He could only doubt them if you fail to fulfill your duty today. The notification made to you is final. I dare to add, Monsignor, that you write with a heart deeply afflicted, and that I would have wished to spare you this letter if I could have done so, without disobeying the orders received. I implore you to act as a bishop, as a French bishop sincerely attached to the See.

[*Latin ed. p. 70*]

70 Appendix I. Concerning Apostolic Matters, and in order not to add to the bitterness that the heart of the Holy Father is presently experiencing, and which is so keenly shared by all those who love the Church and France. R. Card. MERRY DEL VAL, DOCUMENTO XX. // To the Most Reverend Lord, Secretary of State. (Note). His Eminence, the Apostolic Nuncio in Paris, having transmitted to the Bishop of Dijon, on the date of March 11th last, an order from the Holy Father to suspend ordinations in that diocese until further notice, the undersigned informed His Eminence, the Cardinal Secretary of State, by a Note dated the 15th of this month, that the Government of the Republic, adhering to the spirit and the letter of the Concordat, protested against such a measure taken without its consent, and declared the letter of Mgr. Lorenzelli, dated March 11th, to be null and void. Despite this protest, His Eminence, the Cardinal Secretary of State, renewed to Mr. Nordez, by a letter which he addressed directly to him on July 9th, on behalf of the Holy Father, the injunction to go to Rome within fifteen days from the date of this communication, under penalty of suspension *latae sententiae* from the exercise of his office and jurisdiction; which would be incurred *ipso facto*, upon the expiration of the fixed term. By ordering directly to Rome, and without the knowledge of the Government, a Bishop who, in his capacity as administrator of a diocese, is subject to the Minister of Cults, the Holy See disregards the rights of the Power with which it signed the Concordat.

[*Latin ed. p. 71*]

Appendix I. 7. In commanding this Bishop to go to Rome within fifteen days, under penalty of suspension *latae sententiae* from the exercise of his office and jurisdiction, which would be incurred automatically upon the expiration of the aforementioned term, the Holy See disregards the provision of the Concordat, from which it follows that a Bishop cannot be suspended or deposed without the agreement of the two authorities which contributed to his appointment. Such an attitude dictates the conduct of the Government of the Republic. Therefore, the undersigned has been instructed to inform His Eminence the Cardinal Secretary of State that, if the letter of July 9th to the Bishop of Dijon is not withdrawn, and if the threats contained therein are carried out, the French Government will have to understand that the Holy See no longer cares about its relations

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with the Power which, fulfilling the obligations of the Concordat, has the duty to defend the prerogatives that the Concordat confers upon it. And the Government of the Republic leaves to the Holy See all responsibility for the resolutions to which it will have been reduced. The Chargé d'Affaires of France, the undersigned, seizes this opportunity to assure His Eminence the Cardinal Secretary of State of his highest consideration. Rome, July 23, 1904. ROBERT DE COURCEL. DOCUMENT XXI. To the Most Eminent Cardinal Secretary of State, from the French Chargé d'Affaires. (Note). The undersigned Cardinal Secretary of State has taken due note of the note dated July 23rd of the current month.

[*Latin ed. p. 72*]

72 Appendix I. With which the French Chargé d'Affaires, after mentioning the order sent to the Most Reverend Bishop of Digione on July 9th, to travel to Rome, states that the Holy See, by directly summoning a Bishop without the knowledge of the Government, "disregards the rights of the Power with which it signed the Concordat," and, by threatening the Bishop with the penalty of suspension, "disregards the provision of the Concordat, from which it follows that a Bishop cannot be suspended and deposed without the agreement of the two Authorities that contributed to his creation." After these statements, the Chargé d'Affaires, in the name of his Government, declares that if the aforementioned letter of July 9th is not withdrawn, and if the threats contained therein are carried out, "the French Government will have to understand that the Holy See no longer has an interest in its relations with the Power, which, while fulfilling the obligations of the Concordat, has the duty to defend the prerogatives that the Concordat confers upon it." The undersigned Cardinal first notes that, in addressing the aforementioned letter of July 9th to Monsignor Le Nordez, he could not have evidently taken into account the protest submitted to him by the Chargé d'Affaires on the 15th of the same month. Setting aside this observation, the undersigned Cardinal proceeds to respond to what constitutes the substance of the last Note. All are aware of the painful incidents that occurred last February in the Diocese of Digione, where the young seminarians refused to receive the sacred ordination from the hands of Monsignor Le Nordez, preferring rather to be expelled from the Seminary, followed by almost all their colleagues who declared themselves to be in solidarity with them. A postponement of the sacred ordinations was necessary both to investigate the reasons for this reluctance of the young men, and to give them the necessary time for reflection and for a calm of spirit; therefore, Monsignor Nunzio, with a letter of March 1st,

[*Latin ed. p. 73*]

Appendix L 7 3: He informed the Most Reverend Bishop of Digione that the Holy Father desired that he abstain from the sacred ordinations until

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further order. This was a simple precautionary measure, required by the circumstances, which entailed no penalty; and the same Most Reverend Le Nordez, in a letter directly addressed to the undersigned Cardinal, acknowledged it to be just and opportune. Meanwhile, the accusations being made against the Most Reverend Bishop of Digione were increasing, making some explanations necessary. Therefore, the Holy See invited him to come to Rome; and since he, despite his promise to be present there in the second half of June of the current year, delayed in obeying, he was again ordered to come in a letter of July 9th of the current year, with the canonical sanction required by the gravity of the obligation to obey, a sanction which, moreover, should only take place in case of contumacy and should cease with the very act of obedience. Therefore, this was not a case of deposition, in which case the Holy See would have informed the Government, nor of any other penal measures, but a simple summons to Rome to give explanations regarding the accusations being formulated against him. Upon arriving in Rome, the accusations concerning him would be communicated to him with full freedom to examine and defend himself; and if he succeeded in refuting them, the Holy Father would be most happy to proclaim the nonexistence of the accusations. The French Government considers the letter of Monsignor Lorenzelli of March 11th to be null and void, and requests the withdrawal of the letter of the Holy See of July 9th to the Most Reverend Bishop of Digione, considering both to be contrary to the Concordat; but it is easy to demonstrate the inaccuracy of this judgment. Indeed, in the first place, the Concordat is clearly distinct from the subsequent organic articles, which are a unilateral act of the French Government, against which the Holy See has never ceased to protest; and in none of the 17 articles of the Con-

[*Latin ed. p. 74*]

74. In Appendix L, it is stated, both in spirit and in letter, that the Holy See cannot, without the prior consent of the Government, order a bishop, as a prudent measure required by the circumstances, to temporarily abstain from some act of his ministry, or to summon him to Roma to provide explanations regarding his conduct. Nor could the Roman Pontiff grant this without failing in the sacred duties of Supreme Pastor of the Church, for while it is not disputed that the Bishops in Francia must have the necessary relations with the Government, as defined by the Concordat, they nevertheless depend on the Roman Pontiff, who conferred this jurisdiction upon them through canonical institution and preserves it; and the Roman Pontiff cannot render this dependence subordinate to the consent of the civil authority. Indeed, that the Roman Pontiff retains full authority over the Bishops in Francia, even after the Concordat, is also evident from the solemn and special oath that the French Government cannot ignore, as it is part of the canonical institution that must be joined with the Bulls, and with

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which the Bishops obligate themselves, without any restriction, to receive and faithfully execute the injunctions of the Roman Pontiff: "Apostolica Mandata humiliter recipiam et quam diligentissime exequar." And in particular, that the Roman Pontiff can, even after the Concordat, summon the Bishops of Francia to Roma to give an account of their actions, even under penalties incurred ipso facto, is confirmed by the well-known law, which the French Government certainly knows, and which, without any subordination to the consent of the Government, obliges the Bishops of Francia, as well as those of other European countries, under penalties latae sententiae, to go to Roma every four years, or at least to send a representative, for the primary purpose of presenting to the Roman Pontiff the state of their diocese and to receive instructions, advice, and commands. After these reflections, it is to be hoped that the French Government will be persuaded that on the part of the Holy See, there is...

[*Latin ed. p. 75*]

Appendix I. 75. It has come to Our attention that certain violations of the Concordat have occurred, and that, inspired by sentiments of equity, [the Government] does not wish to insist on the withdrawal of the letter in question, thereby sparing its own country profound religious disturbances. Indeed, such a withdrawal would amount to a complete abdication of the pontifical authority over the episcopate; an abdication which is not within the power of the Holy Father and cannot be the intention of the Government of the Republic. Solely in order to give further proof of its conciliatory dispositions and to demonstrate that in all these grievous incidents it has always and only been inspired by the sentiment of its own duty, the Holy Father would not be averse to extending the deadline given to the Most Reverend Bishop of Dijon by one month, provided that, in the meantime, the aforementioned Bishop goes to Rome to justify himself; and if he refuses to go there or fails to justify himself, the Government should show itself willing to confer with the Holy See in order to provide for the administration of the diocese. From this act of deference, it can easily be argued how much interest the Holy See has in maintaining good relations with the Government of the Republic, based on the exact observance of the provisions of the Concordat. The Holy Father, for the particular reason that He holds for the noble French nation, the example of His illustrious Predecessor, would be most grieved to see that the Government of the Republic, solely in order to prevent the justification of a Bishop before the competent authority, resorts to unjustified acts of hostility, for which, however, the Holy See could bear no responsibility, neither before God nor before men. The undersigned Cardinal Secretary of State, praying the Most Reverend Delegate of France to bring the foregoing to the knowledge of his Government, seizes the opportunity to reaffirm to him the sentiments of his most distinguished esteem. Rome, 26 July 1904. R. Card. MERRY DEL

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VAL.

[*Latin ed. p. 76*]

7 6 Appendix I. DOCUMENT XXII. Concordat of the 1st of July between Pius VII and the French Government. The Government of the Republic recognizes the Catholic, Apostolic, Roman religion, as being the religion which the vast majority of the citizens of the French Republic profess. The Supreme Pontiff, in turn, recognizes that this same religion has received the greatest benefit and the greatest honor, and that this is also demonstrated by the Catholic worship established in Gallia, as well as by the special profession made by the Consuls of the Republic. Since these things are so, and mutually recognized, for the good of religion and the preservation of internal tranquility, the following agreements have been made between them: ARTICLE I. The Catholic, Apostolic, Roman religion shall be freely exercised in Gallia. Public worship shall be permitted, with due regard to the regulations concerning the police, which the Government deems necessary for the public tranquility. II. From the Apostolic See, after consultation with the French Government, new boundaries shall be established for the dioceses of Gallia. III. The Supreme Pontiff shall inform the titular Bishops of the churches of Gallia that, for the good of peace and unity, he expects from them, with firm confidence, all sacrifices, not excluding even that in which they would resign their own episcopal sees. With this exhortation given, if they should be unwilling to make this sacrifice, which is required for the good of the Church (which the Supreme Pontiff does not believe is possible), provisions will be made by the governments of the Gallican churches of the new circumscription, in the following manner. IV. The First Consul of the French Republic, within three months following the promulgation of the Apostolic Constitution, shall nominate the Archbishops and Bishops to be assigned to the dioceses of the new circumscription. The Supreme Pontiff.

[*Latin ed. p. 77*]

Appendix L 77. The canonical institution will be granted according to the forms pertaining to France, as established before the change of government. V. Furthermore, the First Consul will appoint new prelates to the episcopal sees that shall subsequently become vacant, and to these, as is established in the preceding article, the Holy See will grant canonical institution. VI. The bishops, before assuming the discharge of their office, will swear an oath of fidelity before the First Consul, which was customary before the change of government, expressed with the following words: "I swear and promise to the Holy Gospel of God, obedience and fidelity to the Government established by the Constitution of the Gallican Republic. Furthermore, I promise that I will have no communication, that I will not participate in any council, nor will I maintain any union, either within

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or outside, which may harm public tranquility; and if I should learn of anything being plotted against the State, either in my diocese or elsewhere, I will bring it to the attention of the Government." VII. Clergy of the second order will take the same oath before the civil authorities designated by the Gallican Government. VIII. After the divine services, in all Catholic churches of France, the following will be prayed: "Lord, save the Republic; Lord, save the Consuls." IX. The bishops, in their respective dioceses, will define new parishes; this definition will not take effect until the consent of the Government has been obtained. X. Furthermore, the bishops will appoint to the parishes; and they will not select individuals unless they have been approved by the Government. XI. The same bishops may have one chapter in the cathedral church, and one seminary in their respective dioceses, without any obligation of endowment on the part of the Government.

[*Latin ed. p. 78*]

7 Appendix 8 I. XII. All metropolitan churches, cathedrals, parish churches, and other churches which have not been alienated, are entrusted to the care of those things necessary for worship, and are placed under the disposition of the Bishops. XIII. His Holiness, for the good of peace and the happy restoration of religion, declares that those who have acquired goods belonging to the Church which were alienated, will suffer no harm, neither from himself, nor from the Roman Pontiffs who will succeed him, and consequently, the property of such goods, and the revenues and rights pertaining to them, will remain unchanged with them, and will be held by them, and the causes for them will be with them. XIV. The Government of the Gallic Republic undertakes to provide for the support of Bishops and Parochial clergy, whose dioceses and parishes are included in the new arrangement, in a manner suitable to their respective positions. XV. The same Government will take care that it may be free for Catholics in France, if they so desire, to consult with new foundations for churches. XVI. His Holiness recognizes in the First Consul of the Gallic Republic the same rights and privileges which he enjoyed under the ancient regime with the Holy See. XVII. It is agreed that in the event that any of the successors of the present First Consul should not profess the Catholic religion, a new agreement will be made concerning the rights and privileges mentioned in the preceding article, as well as concerning the nomination to the archiepiscopate and bishopric, with respect to him. The delivery of the instruments of ratification will take place in Paris within forty days. Given in Paris, on the 15th day of the month of July, 1801. HERCULES CARDINAL CONSALVI (L. S.) I. BONAPARTE I. ARCHIEP. CRETET FR. (L. S.) CORINTHI S.) CAROLUS CASELLI BERNIER (L. S.)

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(L. S.)

[*Latin ed. p. 79*]

Appendix DOCUMENT I. 79 XXIII. // The Chargé d'Affaires of France to the Most Reverend Cardinal Secretary of State. (Verbal Note). Having, on several occasions, pointed out the grave injuries that the initiative of the Holy See, acting directly with the French Bishops, has inflicted upon the concordatorial rights of the State, the Government of the Republic, through two Notes dated July 25th of the current year, warned the Holy See of the conclusions to which it would be led by the persistent disregard of its rights. Obliged to note, by the response of His Eminence the Cardinal Secretary of State dated July 20th of the current year, that the Holy See maintains the acts carried out without the knowledge of the Authority with which it signed the Concordat, the Government of the Republic has decided to terminate official relations which, by the will of the Holy See, are rendered superfluous. Rome, July 30, 1904. DOCUMENT XXIV. // The Minister of Foreign Affairs of France to the Apostolic Nuncio in Paris. Your Eminence, This morning, the Chargé d'Affaires of France had the honor of declaring to His Eminence the Cardinal Secretary of State that the Government of the Republic had decided to terminate official relations which, by the will of the Holy See, are rendered superfluous.

[*Latin ed. p. 80*]

8th Appendix. He added that the Government of the Republic considers the mission of the Apostolic Nuncio to be concluded. I have the honor to inform Your Excellency of this. I beg you, Monsignor, to accept the assurance of my highest consideration. Paris, 30th of July, 1904. DELCASSÉ.

[*Latin ed. p. 81*]

DECREES OF THE ROMAN PONTIFF: LETTERS whereby Pope Pius X congratulates on the Italian version of the Universal History of the Church, written by Cardinal Hergenröther.

TO THE BELOVED SONS, JOSEPH FARAONI, SAC., AND TITO DINI.

PIUS PP. X. Beloved Sons, health and the Apostolic blessing.

Since you have wisely undertaken the task of translating into the common Italian language those distinguished works which exist today among foreign nations in the higher disciplines, and you have rightly deemed it not to be passed over, the books of Cardinal Joseph Hergenröther, in which he encompasses the entire history of the Catholic Church, are to be considered. Indeed, this work, for its abundance of doctrine, the weight of its judgments, and the sincerity of its judgment, has been celebrated with the highest praise by the most prudent, and has rightly secured a prominent

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place for its author among the illustrious writers who, in recent times, have treated the affairs of the Church, so that they did not separate due reverence for antiquity from the study of the art of criticism.

However, since, during the interval since his departure from this life, such great progress has been made in these studies, that his work seemed in part to require revision, much gratitude is due to the beloved son, John Peter Kirsch, who has undertaken such a task, and who demonstrates his explored intelligence and expertise in carrying it out.

Indeed, we greatly rejoice in the writings of this most eminent man, restored to the fidelity of the monuments, as you have done in the *Acta S. Sedis*, Volume XXXVII, page 2. 6.

[*Latin ed. p. 82*]

82 From the Office of Briefs, translated into Italian, with the diligent assistance of our esteemed son Henry Rose of the Society of Jesus, you have undertaken to publish. Therefore, while we express our gratitude for the received copy of the first volume, we also bestow deserved praise for this undertaking, which we are confident will prove very beneficial to the Italian clergy. As a pledge of heavenly blessings and of our benevolence, we impart, through Christ our Lord, our Apostolic blessing to you, our beloved sons, and to all those who participate in your association. Given in Rome, near St. Peter's, on the 5th of May, in the year 1904, in the first year of Our Pontificate. PIUS PP. X FROM THE OFFICE OF BRIEFS The use of the sacred Pallium is granted to the Bishop of Barcelona. PIUS PP. X FOR PERPETUAL REMEMBRANCE Regarding the shores of Hispaniae, which we carefully consider for their profound devotion to the Roman Pontiff, we now direct our attention to the province of Tarragona. We are indeed moved by the ancient nobility of its Church, which we find equal to that of the very beginnings of Christianity in the East. For it is recorded that the Apostles James and Paul, upon their arrival in Tarragona, which, being the head of Further Hispania, was a place of great importance and opportunity, laid the foundations there for the first beginnings of the Christian name among the people of Hispaniae. It is also attested by reliable monuments that the Archdiocese of Tarragona was among the most important in the Catholic world from its very beginnings, and its Metropolitan has always been of great importance.

[*Latin ed. p. 83*]

From the Secretarial Briefs, number 83, the esteemed and flourishing seat exists. Certainly, we have learned that, from ancient times, those things which the Roman Pontiff prescribed were not announced only to its own province, but to all the churches of Hispaniae, and that care was taken to ensure their observance; concerning which, the letters of St. Siricius to Himerius, of St. Hilary to Ascanius, and of St. Hormisdas to John are ev-

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idence. Moreover, until this very time, many and illustrious testimonies of our Predecessors have appeared, which have illustrated the dignity of the Metropolitan See of Tarragona, and of its province. Indeed, the Archdioceses of the same, are not merely adorned by the Metropolitan Church, but also shine in the subordinate sees, especially in Barcelona. For it is not doubtful that Barcelona is to be counted among the most splendid cities of Hispaniae, whether by the number of its citizens, or by the influx of foreigners, or by the vigor of commerce and the arts. And in that which is most important, namely, in the love and worship of the ancestral religion, in the obedience and reverence towards the Chair of Blessed Peter, we understand that the city of Barcelona conducts itself in such a way that it seems to yield to none. Indeed, it is not uncommon for Catholic people, especially those associated in various societies, to give there examples of intelligence and zeal in preserving Christian decorum in every kind of life; the beneficial virtue of these associations, for the greatest good of the working people, is not confined to the borders of Catalonia. Considering these things, we believe it entirely fitting that, as our Predecessors have done many times before, we should adorn some distinguished Episcopal Church with the honor of the sacred Pallium; and we shall bestow this same honor upon the seat of Barcelona; all the more so because he who now holds it adorns it not less with the splendor of his virtues than with the Roman purple. Furthermore, we also intend to ensure that the Church of Tarragona, whose metropolitan preeminence we desire to preserve, as it has been in the past, so now and in the future, receives the honor conferred upon the subordinate See, in order to enhance its dignity. From this, we confidently expect that...

[*Latin ed. p. 84*]

From the Secretariat of Briefs, stricter bonds of necessity shall be established, if possible, to unite both churches with Rome. Therefore, to our beloved son, His Most Reverend Eminence, the Reverend Cardinal Casañas y Pages, today the Bishop of Barcelona, and to his successors in that diocese, we grant and concede, by our Apostolic authority, the use of the pallium in solemnities, according to the prescriptions of the sacred canons, and solely in the Diocese of Barcelona, even if the consent of the Ordinary is added. And with regard to future successors in the same diocese, we will and command that each new Bishop always request the pallium from the Apostolic See, that it be taken from the body of the Blessed Peter, Prince of the Apostles, and received from the Roman Pontiff, and that all those things be observed which are customarily observed when pallia are given to archbishops. These things we grant and command, decreeing that these present letters shall always exist and be valid and efficacious, and shall have and obtain their full and complete effect, and shall fully suffice for those to whom they pertain, and for all time, in all things and through

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all things; and thus, in the premises, they ought to be judged and defined by any ordinary and delegated judges, and shall be null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way, notwithstanding any Apostolic Constitutions and ordinances, and all other contrary things whatsoever. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the eleventh day of April, in the year 1904, in the first year of our pontificate. L. "S. A. Card. MACCHI."

[*Latin ed. p. 85*]

From the Secretariat of Briefs, 85. Indulgences are granted on the occasion of the sacred missions which the Brothers of the Order of Friars Minor have carried out in the United States of America. POPE PIUS X, desiring that this be remembered forever, has arranged for his esteemed son, the present General Procurator of the Order of Friars Minor, to explain to us that these sacred missions, which the Brothers of that Order will hold in the United States of America, will benefit greatly if we grant to the faithful, for this purpose, both plenary and partial indulgences, which the blessed memory of Pope Leo XIII, our predecessor, granted to the Brothers of the aforementioned Order in regions subject to French jurisdiction, on a similar occasion of sacred missions, through similar Apostolic Letters dated April 12, 1878. Therefore, He has earnestly requested that we provide for the matters mentioned above and that we deign to grant indulgences from Our Apostolic benevolence, as follows. We, favorably responding to these pious requests, and confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, grant to all Christian faithful of both sexes who are truly penitent and have confessed, and who have received Holy Communion, that if, before the Cross erected at the end of the missions which the Brothers of the Order of Friars Minor have carried out in the United States of America, on the day of the erection of that Cross, on the anniversary of that day, or on the nearest Sunday following, or on the feasts of the Invention and Exaltation of the Holy Cross of Our Lord Jesus Christ, or on the respective following Sunday, for a period of time, they have offered devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and have devoutly visited the parochial church where the Cross is erected, on the aforementioned day, they shall receive a plenary indulgence for all their sins.

[*Latin ed. p. 86*]

From the Secretariate of Briefs, We mercifully grant the Indulgence and remission of sins in the Lord. To those same faithful who have attended at least three of the sermons of the Missions to be delivered by the aforementioned Brothers, and who are truly penitent and have confessed, and have received the Holy Communion, and have devoutly visited the parochial

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church of the place where the Mission was held, and have prayed there as above, We likewise mercifully grant the full remission of all their sins. This Indulgence, for those outside [the parish], even if they make their sacramental Confession and Communion elsewhere, that is, outside the parish in which the Mission is held, We extend until fifteen days after the end of the Mission. To those same faithful who, at least with a contrite heart, have attended any of the aforementioned sermons, and have visited any public church, and have prayed there as above, We grant seven years and as many quarantines. Moreover, for as many times as they shall, before the Cross erected as above at the end of the Missions, recite the Angelic Salutation seven times, or in honor of the Holy Wounds of Our Lord Jesus Christ, the Our Father and the Angelic Salutation five times, so many times we remove from the number of penal days, according to the customary laws of the Church, three hundred days. Finally, We grant to these faithful, if they so wish, permission to satisfy the temporal penalties of their sins and the pains of purgatory with these plenary and partial Indulgences. In contradiction to nothing whatsoever. These are valid perpetually. We decree that these present Letters, whether transcribed or printed, and signed by the hand of a public Notary and sealed with the seal of a person holding ecclesiastical dignity, shall be held to have the same validity as if the present Letters themselves were exhibited or shown. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the 28th of May, 1904, in the first year of Our Pontificate. L. *£● S. For the Most Reverend Cardinal MACCHI, Nicholas Marini, Substitute.

[*Latin ed. p. 87*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS. The Superior, even for extrinsic reasons, cannot deny to her nuns an extraordinary confessor from herself. Most Blessed Father, Reverend Father Maurus Serafini, Abbot General of the Cassinese Congregation of the Benedictine Order, prostrates himself before Your Holiness and humbly proposes the following question concerning the Decree which begins "Quomodum," issued on December 17, 1890, regarding the Confessors of Nuns (1). Although on August 17, 1891 (2), the Holy Congregation of Bishops and Regular Canons responded to questions 2: "The Superior is to always grant the petitions of those subject to her, even if she clearly sees that the necessity is feigned, and whether due to scruples or some other defect of the mind, as understood by the petitioner himself"; and to question 3: "The religious person requesting may choose among those designated by the Ordinary, who will fulfill the office of confessor"; nevertheless, some Superiors of religious communities, or of religious sisters, still maintain that it is permissible for them, notwithstanding the decrees, to deny to a sister requesting a confessor, whom she prefers, for reasons, as they claim,

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extrinsic (3). The question is asked: whether, at least for reasons of this kind, the Superior can [deny the confessor].

(1) Cf. Acta S. Sedis, vol. 23, p. 505.

(2) Cf. ibid., vol. 25, p. 109.

(3) These reasons, which are called extrinsic, may be, for example, that the extraordinary confessor chosen by the nun or religious sister may not be very pleasing to the monastery, or that the same judgment may lead the Superior to influence some decision of the community, and other similar things (N.R.).

[*Latin ed. p. 88*]

From the Sacred Congregation of Bishops and Regular Canons, 88: Can a prioress lawfully deny a confessor chosen by her nuns from those designated by the community? And God, etc. And the Holy Congregation, entrusted with the affairs and consultations of Bishops and Regular Canons, after diligent consideration of all matters, responded on August 5, 1904: "No; but if there are truly serious reasons, the prioress must submit them to the Ordinary, whose judgment must be followed."

D. Cardinal FERRATA, Prefect. L. + S. Philip Giustini, Secretary.

(i) The Church, in order to better protect the freedom of nuns in confessing their sins, removes from the prioresses of monasteries the power to deny extraordinary confessors to their subjects. And indeed, in the aforementioned Decree *Quemadmodum*, of December 17, 1890, n. 4, it is stated that "His Holiness admonishes prioresses not to deny extraordinary confessors to their subjects whenever, according to their own conscience, the subjects request them, and that these same prioresses should in no way inquire into the reasons for the request, or show any reluctance to grant the permission, as also stated in the aforementioned Rescript."

Furthermore, on August 17, 1891, it is decreed that prioresses "are bound to grant the request (for an extraordinary confessor) of their subjects, even if they clearly see that the need is feigned, or that there is some other defect of mind preventing the petitioner from truly understanding the matter."

This decision seems to safeguard the freedom of conscience, so that no one, whether of either sex, but especially nuns, or sisters, or even completely lay institutes, may be deprived of the opportunity to freely seek counsel, even if only to a small degree, from the Church. Therefore, it is strictly prescribed that prioresses, when there are true and serious reasons for denying an extraordinary confessor, should not act according to their own judgment, but should consult the Ordinary, to whose judgment they are entirely bound to acquiesce. This Ordinary is either the Bishop to whom the nuns are immediately subject, or the Prelate Regular who governs the nuns. As for any abuses that may be feared from the side of those requesting an extraordinary confessor, suitable remedies are already available. For in

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the Rescript of August 17, 1901, ad 2, to the Sacred Congregation of Bishops and Regular Canons, it is stated that "Subjects are not to be allowed to request extraordinary confessors unless they are compelled to do so by their own conscience."

Furthermore, in the Rescript of February 1, 1892, ad 2 (cf. Acta S. Sedis, vol. 30, p. 121), the same Holy See decreed that extraordinary confessors are to be held accountable to not hear the confessions of sisters who do not have a reasonable reason to seek them out. Moreover, in the same Rescript,

[*Latin ed. p. 89*]

From the Decrees of the Council of Trent and the Constitutions of Pope Benedict XIV.

Concerning the parochial jurisdiction over a hospital located within the territory of several parishes. The custom of exercising parochial jurisdiction over a hospital, which belongs to several parishes, is not extinguished by the abandonment of that hospital, nor by the construction of another hospital, which is legally identical and located within the same parochial territory.

Case in point: In the city of Novi Ligure, within the Diocese of Tortona, there was, from time immemorial, a hospital of St. James, the greater part of which was situated within the territory of the parish of St. Peter, and the remainder within the territory of the parish of St. Nicholas. Furthermore, for a long time, the parish priest of St. Peter exercised the right of burying the dead, both those belonging to his own parish and those belonging to other parishes, within the part of the hospital that was subject to him; while in the other part of the hospital, the same right was exercised by the parish priest of St. Nicholas. However, a few years ago, Count Raggio built a new hospital, which he generously donated to the aforementioned city; consequently, the old hospital was abandoned, and in 1902, the new hospital was inaugurated under the same title of St. James. This change in circumstances gave rise to a question among the three parish priests of the city, namely, the parish priest of St. Peter on the one hand, and the parish priests of St. Nicholas and St. Andrew on the other. The parish priest of St. Peter claimed the exclusive right to bury all the dead in the new hospital within his district, now numbering 4, since some of the religious or the greater part thereof often sought out another confessor extraordinary; therefore, the Sacred Congregation decreed that "The Ordinary should warn the nuns and sisters, of whom we are speaking, that the exception to the provision of Article IV of the Common Law constitutes only for the cases of true and absolute necessity, and that, whenever they are compelled to do so, the aforementioned provision remains firm, as it is prescribed by the Council of Trent and by the Constitution *Pastoralis Curae* of Pope Benedict XIV."

The ancient custom, faithfully observed, and the Common Law, which is prescribed by both the Council of Trent and by Benedict XIV, is: "That

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for each monastery of nuns and sisters, one confessor extraordinary shall be appointed" (N. R.). The Ordinary shall appoint him, "and, in addition to the ordinary confessor, or at the request of the Superiors, another may be admitted twice or three times a year."

[*Latin ed. p. 90*]

From the Sacred Congregation of Bishops and Regular Canons, concerning all existing orders; on the contrary, these [parties] maintain that, due to the abandonment of the old hospital and the erection of a new one, the ancient right of burial, pertaining to the parish of Saint Peter by customary privilege, has ceased; and therefore, today, every parish priest possesses, by common law, the faculty of burying his own children who have died in the new hospice. Therefore, the parish priests of Saint Nicholas and Saint Andrew presented a suppliant petition to the Ordinary of Derthona, who, "having considered that the rights and privileges asserted by the parish priest of Saint Peter could be valid for the old hospital, but not for the new one, not yet canonically erected; having considered that the parish priest of Saint Peter did not, in any way, enjoy parochial jurisdiction over the old hospital, since the parish priest of Saint Nicholas also exercised his ministry there; and finally, having considered the decisions, especially those of the Sacred Congregation of the Council in Apuana concerning burials, of May 19, 1888, and those of the Sacred Roman Rota (Part XI, decision 348, recent), etc.," on August 24, 1903, among other things, decreed: "that each of the three parish priests has the right to administer the Sacraments to their own parishioners residing in the new hospital, and to bury them..." However, the parish priest of Saint Peter, not agreeing with this decree, instituted an appeal before the Holy Sacred Congregation.

Arguments of the Parish Priests of Saint Nicholas and Saint Andrew. These defend the episcopal decree, and maintain that it cannot be called either defective due to a lack of formalities, nor unjust, as it is harmful to the rights of the parish priest of Saint Peter. Indeed, regarding the first point, it is not objectionable that the reasons of the opposing party were not shown to the parish priest of Saint Peter, since this was neither necessary nor possible, because these were included in the petition presented to the Bishop and were known to the parish priest of Saint Peter; who, in turn, was obligated to present his own arguments to prove the alleged exclusive jurisdiction in the new hospice, since it is contrary to common law and harmful to the rights of others. Furthermore, it is not objectionable that the parish priest of Saint Peter did not present his arguments in a valid and legally proper manner.

[*Latin ed. p. 91*]

Derthonen. 9. It was not [necessary]; for, besides the fact that a formal invitation is not absolutely necessary, he falsely assumes the existence of

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a legitimate and exclusive jurisdiction over the new hospital. Furthermore, the parish priest of St. Peter, although perhaps lacking the external form, received a certain invitation from the Curia. Regarding the second point, namely concerning the merits of the case, the two aforementioned parish priests, setting aside the Bishop's argument concerning the non-canonical erection of the new hospital, point out that not only its physical existence, but also its legal existence, is in no way identical to that of the old one, which, due to its total disappearance, has been extinguished. Indeed, classical jurisprudence logically taught that with the extinction of a thing, all rights inherent in it are completely extinguished, and cannot be revived, even if the thing were restored to its original form. However, Justinian tempered this jurisprudence so that only the old rights would be revived if the ancient form could be restored in the new thing. Canon law followed this Justinianic doctrine, because, according to chapter 42 of the Regulations, in section 6, "Accessory follows the nature of the principal." Therefore, Ferraris (Bibl. Can., v. privilegium, art. III, n. 6) states that "A real privilege ceases and is extinguished when the thing to which it belongs is extinguished, if that privileged thing is extinguished without hope of restitution." However, in the present case, since there is no intention of restoring the thing to its original form, its rights also cannot be revived. For this would require that the new thing, if not physically, at least morally, be the same as the old one; on the contrary, the new hospital is not morally the same as the old one, since it is the same in the genus of hospitals, but not in the specific species of the old hospital, which ceases to exist due to its abandonment. Furthermore, the parish priest of St. Peter cannot prove that he was granted a privileged jurisdiction over the old hospital as a genus of hospital, otherwise he would have to have it over other hospitals that might be built in the city of Novi Ligure; which is absurd. Furthermore, it is doubtful whether the privilege of the parish priest...

[*Latin ed. p. 92*]

9 2. Concerning whether the privileges of the Church of St. Peter should extend to a new hospital, the answer must be negative, because "a privilege is a singular right contrary to the tenor of common law," and therefore the principle that "wrongs must be restrained" holds, and no other principle that "favors must be expanded" can be opposed to it, because in this case, the privilege is detrimental to the right of another. See Maschat (Inst., IV, §§ 33 and 36), as well as Ferraris (Bibl. Can., v. *privilegium*, art. II, n. 18). Furthermore, the orators argue, the privilege of the parish priest of St. Peter cannot be maintained, because the new hospital has been entirely established within his parish; for a privilege acquired by custom cannot adhere to the territorial boundaries of the parish and, through it, to the hospital, but rather directly to the hospital building itself. Moreover, this is confirmed by the origin of the same privilege, which is shown in a certain

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Visitation Report of March 15, 1645; for it is written there: "In this hospital (of St. James) the sick and pilgrims are received, although it was founded solely for the reception of pilgrims..." Therefore, it can be inferred that this kind of hospital was originally founded solely for pilgrims, as is evident from the old title of St. James the Pilgrim; hence, it is not surprising that pilgrims are subject to the common law and the jurisdiction of the parish priest of St. Peter. However, over time, when the condition of the aforementioned hospital was changed by the admission of the sick, the parish priest of St. Peter, without anyone objecting, extended his jurisdiction to others as well. Finally, the aforementioned parish priests conclude that even the parish priest of St. Nicholas exercised his jurisdiction over a certain part of the old hospital; therefore, the hospital recently built by the Committee Raggio must be considered either as old or as new. If the former, why does the parish priest of St. Peter now want to exclude the parish priest of St. Nicholas? If the latter, then the common law restored by the episcopal decree must be observed. Indeed, this latter point is confirmed by the fact that the sick, who are not poor and are wealthy, are admitted, for their greater benefit and advantage.

[*Latin ed. p. 93*]

In Derthonen, the ninth canton, some desire to be treated in the hospital rather than in their own homes, and those who, therefore, die there unexpectedly, have no reason to be buried by the parish priest of Saint Peter. To all of this are added testimonies: first, from the local Syndic, who testified that the Bishop's decree had been accepted by all, and even more so, that even the wealthy enter the hospital for the sake of their health, lest they fear being deprived of the funerals of their own parish in the event of death; and second, from the President of the hospital administration, who testifies that the nature of the new hospice has been radically changed, because whereas formerly only the poor were received there, now even the wealthy are received. Objections of the parish priest of Saint Peter. The same advocate first endeavors to prove that the parish priest of Saint Peter has exercised full parochial jurisdiction in the old hospital of Saint James from time immemorial. This is testified to by eleven witnesses, among whom are four priests; to whom is added the President of the hospital commission, who further adds that the parish priest of Saint Peter has, by right, administered all the sacraments, especially the Eucharist at Easter, there, and that the new hospital is legally identical with the old one, under the same name, administration, and statutes. The same is affirmed by the current Syndic of the city, who adds that the people have never complained that their funerals should be performed by anyone other than the parish priest of Saint Peter. Indeed, in the year 1813, the Syndic of that time requested the Bishop, who obtained from Emperor Napoleon that the chapel existing in the hospital be preserved for the benefit of the parish priest of Saint Peter,

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for the administration of sacraments to the sick. This is also confirmed by the statutes of the hospital approved in the year 1864, which stipulate that the chaplain shall inform the parish priest of Saint Peter, under whose jurisdiction the hospital is, to administer the Holy Viaticum to the sick, and in the event of death, in addition to the same parish priest, also to the Syndic. Hence, the advocate argues, a custom of 40 years in favor of the parish priest of Saint Peter is valid, since the same period is sufficient to prescribe in favor of the Church, and of episcopal rights.

[*Latin ed. p. 94*]

94 From the Sacred Congregation of Bishops and Regulars and Tithes. Decretals (lib. II, title 26 on Prescriptions, chapter 9). Reiffenstuel (lib. I Decret., title 4, n. 105). Indeed, in a certain manuscript from the year 1801 concerning the status of the parish of Saint Peter, it is written that "all those who reside there immediately become parishioners of that parish, as is evident from the fact that the infirm, even those belonging to other city parishes, immediately upon entering the hospital become members of the parish of Saint Peter; hence, the same pastor immediately acquires the right to bury and inter them in his own parish." From another very old document, all parochial rights pertaining to the deceased are attributed to the pastor of Saint Peter concerning the hospital, so that, if anyone of them chooses to be buried in a different parish, half of the fees must be given to him. Furthermore, the advocate argues that the custom, which is centuries old and relates to the aforementioned prescription, is equivalent to a privilege and provides a better title in law, requiring no further title and having validity and effect even if the right is resisted, according to chapter I on Prescriptions, paragraph 6. And Benedict XIV (De Syn. dioec, Lib. 12, c. 8, n. 8) expresses himself in this way: "Nothing is more established than that any human law, even a canon law, can be abrogated by a custom that is rational and legitimately prescribed, according to the text in the final chapter on custom." Schmalzgrueber (Ius Can., part. I, title 4, n. 20), Pignatellus (Cons. Can. 25, n. 2, vol. 10). Moreover, no other two pastors have ever objected to the jurisdiction exercised by the pastor of Saint Peter in the hospital up to the present time. Then, the advocate proceeds to refute the arguments of the opposing side. And indeed, he says, the witnesses cited, who testify to the identity of both hospitals, with only the walls having been changed, contradict the decree of the bishop, which states that the new hospital was not canonically erected and therefore cannot possess the rights and privileges of the old one. Therefore, the moral entity, which alone should be considered, and which, for many centuries, has demonstrated its canonical existence, at least by custom, and has been recognized by the diocesan

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bishops, certainly does not require a further canonical erection. Truly.

[*Latin ed. p. 95*]

Derthonen. 95 Pitonius (Part I, disputation 8, nos. 2 and 18) observes: "...A city, a college, a church... can be destroyed by the authority of a superior, for a known reason, and then they lose all their privileges...". Therefore, something loses its rights only when it is suppressed by the authority of a superior, for a known reason, and not when it is destroyed by violent means, or even voluntarily, but for a greater good and benefit. Furthermore, the advocate claims, it cannot be said that the parish priest of Saint Nicholas exercised the right of burial in certain rooms of the hospice; for he did so with the consent of the parish priest of Saint Peter, who, moreover, validly relinquished his parochial right without the intervention of ecclesiastical authority. Furthermore, except for the right of burial, the parish priest of Saint Peter also exercised complete jurisdiction regarding the sacraments and functions in those rooms. However, today, that right of burial, which was previously exercised by the parish priest of Saint Nicholas, has been completely extinguished, because the aforementioned rooms no longer exist within the district of Saint Nicholas. Moreover, the Resolution of the Sacred Congregation concerning Funerals in Apuana (cf. Acta S. Sedis, vol. 21, page 201), cited from an episcopal decree, is not relevant to the matter. The circumstances in that case are that in 1747, the diocesan bishop granted the faculty to reserve the Blessed Sacrament in the chapel of the hospice of Saint Anthony, but with the declaration "so that it is never understood that this prescription is introduced." However, when the chaplain declared himself exempt from the local parish priest in 1888, the latter proved that he could not possess this exemption based on that clause, and the Sacred Congregation was favorable to him. This is confirmed by the precedent, because there exists an ancient custom favorable to the parish priest of Saint Peter. Thus, in Auxitana-Funerum, on July 9, 1881, when since 1824 a canon had been burying canons of the cathedral belonging to any parish, and in 1881 the Archpriest of the cathedral considered this power to belong to him by common law, a cause was instituted before the Sacred Congregation with the following question: "To whom does it pertain..."

[*Latin ed. p. 96*]

9 6 From the Sacred Congregation of Bishops and Regulars, concerning the right to perform the funeral rites of canons who have died in the parish of the metropolitan church, in the case presented: "Affirmative, with the approval of the hebdomadary and more." The reason for this decision was that a custom of 57 years existed; furthermore, an unforgettable custom is also considered. Moreover, what is transmitted from the Sacred Roman Rota (Part XI, Decree 348, recent), especially n. 41, rather favors the parish priest of Saint Peter, because "neither the fact that the Sacraments are ad-

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ministered in the hospital, nor the fact that there is a right to burial there, implies the right of the parish; since all of these things may belong by prescription or privilege." Furthermore, the episcopal decree not only violates the statute of the hospital itself, which stipulates that in the event of the death of a patient, the Chaplain must notify the Syndic and the parish priest of Saint Peter, but also subverts the common law, since it grants three parish priests the right to administer the Sacraments to the sick in the hospital in turn. This mixed jurisdiction is forbidden by the Council of Trent (Session 24, chapter 18, concerning Reform), which commands the Bishops that "in those places where the parochial churches do not have certain boundaries, and their Rectors... promiscuously administer the Sacraments... they shall assign to each a perpetual and particular parish priest for a distinct people." By what law, therefore, will the other two parish priests exercise their jurisdiction even over the sick of the parish of Saint Peter? Who will be the proper parish priest for the marriages of those who reside in the hospital? Therefore, the advocate concludes that, since the parish priest of Saint Peter has been unjustly deprived of his jurisdiction in the hospital of Saint James, he requests that the funerals performed by the other two parish priests be declared abusive, and that the sums received by them be returned to him. Doubt. Whether the decree of August 24th should be confirmed or rejected in this case? Resolution. The Sacred Congregation of Bishops and Regulars, on...

[*Latin ed. p. 97*]

Tortona, February 20, 1904. The following response was given: "Regarding the matter, it is the opinion that the exclusive jurisdiction of the new hospital of St. James in the city of Novi Ligure, within the diocese of Tortona, pertains to the parish priest of St. Peter. However, for all those who belong to the other two parishes of the same city, and who are admitted to said hospital for a fee, and who die there without a religious or customary burial, the parish priest of St. Peter is obligated to give half of the funeral expenses to the proper parish priest of the deceased."

1. Unless it is proven that there was a customary or religious burial, the right to bury the deceased in hospitals not exempt by law belongs to the proper parish priest, that is, the priest of the domicile or quasi-domicile.

2. This principle flows from chapter 6 of the De sepult [Decree on Burial], and its reason is that, ordinarily speaking, the sick are accommodated in hospitals for the purpose of receiving care or for the cure of their health.

3. However, such a right of the proper parish priest cannot exist when the hospital is, at least with regard to burials, exempt, either by an apostolic or episcopal privilege, or by a legitimately established custom.

4. In favor of the parish priest of St. Peter, there exists an ancient custom of burying the dead, privately concerning the parish priests of St. Nicholas and St. Andrew, in the communal hospital of St. James.

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5. Real rights can adhere to a thing, either materially or formally. If they adhere directly to the material thing, then they are extinguished by the translation of the thing to another place or by the extinction of the privileged thing; but if they adhere primarily to the formal aspect of the thing, then they do not cease, even if the privileged thing is translated or extinguished, with the hope of restitution.

6. In this case, the new hospital is legally the same as the old one; and it is built within the same parish territory.

7. [Reference to Acta S. Sedis, Vol. XXXVII, page 2.]

[*Latin ed. p. 98*]

9. 8. From the Sacred Congregation, therefore, retains all its privileges and rights, among which is to be noted the customary right of the parish priest of Saint Peter to exercise parochial jurisdiction therein. 7°. Finally, the same parish priest is charged with providing a quarter of the funeral expenses, which here is calculated as half of the emolument, the other two being for the other two parish priests for the funerals of the wealthy, since they have now begun to be admitted to the hospital. — FROM THE SACRED CONGREGATION CONCERNING THE FUNERAL EMOLUMENT! The emolument, paid by the Government for the burial of the poor in the cemetery, is demanded by the Chapter and, after deducting the expenses for a decent burial, is divided equally between the Chapter and the curate. Case in point. In the general assembly of the Most Holy Congregation on December 20, 1902 (Cf. Acta S. Sedis, vol. 35, p. 346), the case relating to certain parochial functions of the Chapter of the distinguished Collegiate Church of the Blessed Virgin Mary Immaculate in the city of Cospicua, which has attached to it the habitual and actual care of souls, and its curate, to whom the exercise of that care has been delegated, was discussed. Of the doubts then proposed, the fifth was as follows: "Whether the emolument paid by the Government for the burial of the poor belongs to the curate, or rather to the Chapter, in this case." For the doubt concerned the ownership of a certain emolument, which the Municipality assigned to the curate for the burial of the poor in the public cemetery, who previously were buried free of charge in the Collegiate Church, and which, like other taxes for funerals, is received by the Chapter. And...

[*Latin ed. p. 99*]

In Valletta, the Sacred Congregation of the Council, having considered the aforementioned doubt, responded: "It is to be understood as follows": The intention is that the Bishop should strive to bring the parties to an agreement, so that the Chapter does not presume to retain the entire sum which the Government customarily pays, but rather assigns a suitable portion to the curate, so that he may receive just compensation for the

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increased labor involved in the association of bodies for burial in the public cemetery. The Bishop of Valletta, on March 13, 1903, responded that the proposed agreement between the parties could not be restored, except in the sense that the Chapter, as administrator of parochial revenues, should receive the entire sum, but then pay the entire amount to the curate, who alone bears the new burden of associating the poor with the cemetery. However, later, the same Bishop, addressing the parties regarding the aforementioned agreement, on May 14 of the same year, reported that the curate claims the entire sum, while the Chapter wishes to pay only that sum, namely 100 liras, which is paid to him for the association of the wealthy. Under these circumstances, the question was again proposed. The patron of the curate argued that the entire disputed sum is due to the curate, and not to the Chapter, because it does not derive from the offerings of the faithful or from ecclesiastical authority, but from the civil government of the island of Valletta after the establishment of the public cemetery. Furthermore, this assignment is a certain gratuity due to the inconvenience suffered by the parish priest in the transportation of the bodies of the poor to the cemetery, as testified by the Very Reverend General Mereiera, the current curate's predecessor, as well as by the Bishop himself and the President of the Government. The advocate maintained that this is indeed true, and that the aforementioned sum is increased or decreased, depending on the increased or decreased inconvenience due to the distance; thus, the parish priest of St. Paul in the city of Valletta acts, and so it has been done in other parishes, as is evident from appropriate testimonies.

[*Latin ed. p. 100*]

From the Sacred Congregation: "If, therefore," concludes the advocate, "the Government intends to allocate this sum, guided by equity, to those who transport the bodies of the poor to the cemetery, and if this burden is borne not by the Chapter, but by the parish vicar, it is just, as the Bishop believes, that the vicar should receive the entire sum. It cannot be objected that this emolument should be considered among the fruits of the benefice, which are reserved to the Chapter; for these fruits are paid by the faithful and are used for sacred ministrations; but in this case, the sum is allocated by the head of the Anglican sect and is not repaid in consideration of sacred ministrations, but rather as a wage for labor and inconvenience. Nor can it be considered as a fruit of the benefice according to the norms of the Pontifical Constitution, because when allocating the three hundred annual Maltese scudi (i.e., 600 pounds), the parish vicar was not considered for the exercise of the care of souls delegated by the Chapter, a new burden which was later imposed by the Government. Finally, the advocate observes that the Chapter pays a certain sum to the parish vicar for transporting the bodies of the wealthy, retaining the remaining sum for itself; but the situation is

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different when it comes to the funerals of the poor, in which the vicar is not usually provided with the necessary supplies or other assistance. Finally, the pastors have a legal claim to these earnings; thus, Reiffenstuel (Jus can. univ., lit. 30 de Decimis, § p, n. i po) states: "All and each of the offerings made within the boundaries of a parish belong by common law to the local pastor, so that he may have a legal claim to them." The same is stated by the Rota before Merlino in Alexandrina-Funeralium, on June 11, 1630, (P. V, I. I, dec. 402, § 8 recent.). Therefore, the entire emolument must necessarily be given to the parish vicar. Deductions of the Chapter. He states beforehand that from the year 1852 until 1872, when public cemeteries were managed by vice-pastors or other priests, the association..."

[*Latin ed. p. 101*]

It is known that certain benefices, which were formerly destined for transfer to other churches, were instead assigned to cover the expenses incurred due to the pagan burials existing therein. Furthermore, the Chapter also addressed the matter of providing for the poor who are to be buried in the public cemetery, and for this purpose, the Government has always provided a fixed indemnity. This is confirmed by the will of the Government itself, which desired that this benefit be exclusively assigned to the Chapter, in accordance with ecclesiastical authority. The same practice is followed at the Chapter of St. Paul's Shipwreck in the city of Vaux, which also has actual and habitual care, and yet the assigned stipend from the Government, after the establishment of the public cemetery, is received not by the parish priest, but by the Chapter.

Then, the Chapter refutes the assertion of the curate that nothing is provided by the Chapter in the matter of burying the bodies of the poor, noting that the Government's benefit, besides the payment made to the parish priest for the bodies of the poor, also includes compensation for the expenses incurred by the Chapter in the funeral rites of the poor, as well as for any damage caused to the Chapter due to the prohibition of burial within the church. Moreover, the Chapter states that the predecessors of the current curate, and the curate himself, have always been satisfied with the portion assigned to them by the Chapter, and have never claimed the Government's benefit, even though they experienced the same inconvenience in burying the bodies of the poor since the establishment of the public cemetery. Furthermore, the Chapter has appointed vice-curates to assist the curate, who provide support in the total exercise of pastoral care, and especially in the task of bringing the deceased to the cemetery. The Chapter states that the testimonies of certain parish priests cannot be cited as examples, since these are parish priests who have actual and habitual care of their parishes without any connection to the Chapters, and therefore it is not surprising that the assignment of the honorarium made by the Government is exclusively for the parish priests. Finally, the Chapter notes

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that the allocation of the entire benefit to the curate directly contradicts the intention of His Holiness, which...

[*Latin ed. p. 102*]

I02 From the Sacred Congregation, it is desired "that the Chapter not presume to retain the entire emolument... but rather assign a suitable portion to the Vicar curate"; and therefore, it concludes that it wishes to accept the proposed agreement and to pay to the Parish Priest the same honorarium that it pays to him when he accompanies the bodies of the wealthy to the cemetery; indeed, it declares itself ready to grant him the same compensation for the bodies of the poor, when accompanying them to the cemetery. Doubt. Does the emolument paid by the Government for the association of the bodies of the poor belong to the Vicar curate, or rather, to the Chapter? Resolution. After the Fathers, having considered the arguments of both parties, gave their response on February 20, 1904: The emolument is to be divided equally between the Chapter and the Vicar curate, so that in the future, the bodies of the poor may be decently carried to the parish church, according to the prescription of the Roman Ritual, and with the obligation for the Vicar curate to accompany said bodies to the cemetery, either personally or through another. With this response given, the advocate for the Chapter requested and obtained a new hearing; therefore, the case is again proposed for judgment. The advocate for the Chapter, although warned, presented no allegation, but only the same protestation. For the Chapter had sworn before a secular tribunal that those who had testified against it in the cause would confirm their depositions under oath. This appeal from ecclesiastical authority was prohibited; and the Chapter, although intending to appeal from this decision, is compelled, by means of the compulsory oath of contrary depositions, to provide what is necessary for the defense in the new presentation of the cause. On the contrary, the advocate for the Vicar curate presented new conclusions. And indeed, from the response of the Sacred Congregation, it does not clearly appear from whom the money, about which the question is raised, is to be demanded.

[*Latin ed. p. 103*]

The matter is to be judged by the Chapter or by the Vicar. For, on the one hand, the Chapter claims the right to demand payment, a right which otherwise belongs to the Vicar; on the other hand, the Vicar insists that a sum be paid to him, so that the Chapter must recover it from him; therefore, the patron argues that the matter must be judged in favor of the Vicar. Furthermore, if the Chapter collects money from the government to compensate for the inconvenience suffered by the Vicar, such as the transportation of the poor to the cemetery, and this inconvenience is suffered by the Vicar, and not by the Chapter, then the Vicar is entitled to his wages. Moreover, the patron inquires about the half of the sum that is attributed to

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the Chapter and simultaneously to the Vicar. For, in the future, the bodies of the poor must be decently carried first to the parish church, and this requires the use of laborers (who, although they carry the bodies from the house to the cart and from the cart to the cemetery, are in no way restricted from entering the church), and furthermore, candles are needed for the funeral services celebrated in the church; therefore, these expenses seem to be deducted from the portion of the money attributed to the Chapter. For the Vicar, who suffers the inconvenience and demands justice, is owed the entire sum; all the more so because, besides these expenses for transporting the poor, the Chapter has never undertaken, nor will it undertake in the future, any other such expenses, as evidenced by the testimonies presented. Furthermore, the patron states that it is well known that the administrators of the republic have ordered the parish priests to send them copies of the marriage certificates recorded in their registers, and have designated a certain sum to compensate them for the inconvenience. However, the parish Vicar, with the consent of the Chapter, claims the entire sum for himself; therefore, he asks, why, when these same circumstances are present, should the judgment not be the same? If it is not deemed fitting to attribute the entire sum to the Vicar, the patron observes, then let the sum, which is attributed to him, be used to pay for the expenses of transporting the poor, and indeed, let the Chapter pay what is usually paid to it for transporting the wealthy.

[*Latin ed. p. 104*]

From the Sacred Congregation of the Council, Question 104. Whether one should adhere to or depart from decisions made in a particular case. Resolution. And the Sacred Congregation of the Council, after thoroughly reconsidering everything, on August 27, 1904, decided that the answer should be: "Adhere to the decisions; and regarding the collection of emoluments, the customary practice should be observed; but that, with regard to expenses for the fitting and proper burial of the deceased, these should be deducted from the entire emolument, before it is divided into two parts or more."

Collations 0 i. The care of souls can be divided into actual and habitual. Generally, both reside in the same person, either in the parish priest; but sometimes the habitual care pertains to the moral body, and the actual care pertains to the parochial vicar.

2. The parish priest, or habitual priest, also called the principal rector, or the actual priest, is the true and proper parish priest, because just as the entire habitual care resides in the habitual parish priest, so too the entire actual care resides in the actual parish priest.

3. Sometimes, although very rarely, it happens that the principal parish priest retains to himself not only the habitual care, but also the actual care; then the curate vicar has only the exercise of the actual care, depending on

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and in the name of the principal parish priest, and therefore he is not a true parish priest, but a mere and simple vicar (i).

4. In the case of a collegiate church united to the Apostolic See, the church has the entire habitual and actual care, of which only the exercise is delegated to the curate vicar (2).

5. Therefore, the emolument paid by the government for the association of the poor would, by itself, belong to the Chapter (1).

(1) Cf. Bardi, *Vol. Buix* (Tract. I, de Parocho, part. I, sect. 3, Vicario parochiali, p. c. 6, prop. 5) and Lom. 331.

(2) This was confirmed by the preceding Resolution of the Holy Sacred Congregation in the same cause, on December 20, 1903, to I (Cf. Acta S. Sedis, vol. 3-5, p. 346).

[*Latin ed. p. 105*]

From the Sacred Congregation of Propaganda Fide, number 105, it is stipulated as pertaining to a true parish priest, from whom this is to be demanded; nevertheless, moved by equity, the Sacred Congregation desires that, after deducting the expenses for the decent burial of the deceased, half be given to the curate as just compensation for the labor involved in burying the poor in the public cemetery. 6°. Finally, it is ordered that the bodies of the poor be carried decently to the parish church, according to the Roman Ritual, because there the practice, or rather abuse, had prevailed of carrying their bodies directly from the house to the cemetery, without first bringing them to the church.

FROM THE SACRED CONGREGATION OF PROPAGANDA FIDE, DECREE: Concerning the erection of the Apostolic Prefecture of Stanley-Falls in Africa, and the Institute of Priests granted by the Sacred Heart of Jesus. Whereas, in the General Assemblies of this Sacred Congregation of Propaganda Fide, held on the 25th of the aforementioned month of July, it was reported that certain priests of the Institute of Priests of the Sacred Heart of Jesus had gone to perform the sacred ministry under the jurisdiction of the Apostolic Vicar of the Independent or Belgian Congo, in a certain district of that same mission, designated by the aforementioned Ordinary for their pastoral work; and moreover, that for several years they had labored there with great fruit for souls: Therefore, the Fathers, with the consent of the Apostolic Vicar, desired that the territory in which the aforementioned priests had hitherto exercised their pastoral duties be separated from the Apostolic Vicariate of the Belgian Congo and be erected as a separate Apostolic Prefecture. This Apostolic Prefecture, to be called the Apostolic Prefecture of Stanley-Falls, and to which the aforementioned Institute is granted, shall have the following boundaries:

[*Latin ed. p. 106*]

From the Sacred Congregation of Rites, number 106, are the boundaries;

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namely: To the North, the southern limits of the Apostolic Prefecture of Uellé; to the East, the western limits of the Apostolic Vicariate of Victoria Nyansae Septentrionalis, that is, 30 degrees of longitude east (Greenwich); to the South, the northern limit of the Apostolic Vicariate of Congo Superior: that is, a line drawn from the southwestern shore of Lake Alberti Edwardi, up to the mouth of the river Lela, that is, to the place called Lokandu; thence, another line up to the place called Bena-Kamba, on the river Lomani; to the West, the course of the river Lomani from the aforementioned place Bena-Kamba, up to its mouth in the river Congo, and then the course of this river up to the limits of the Apostolic Prefecture of Uellé. This opinion of the Fathers, communicated by the undersigned Secretary of this Sacred Congregation, in the audience held yesterday, was received and confirmed by His Holiness, Pope Pius X, by divine providence, and the Holy See ordered the present Decree of this Sacred Congregation to be drawn up. Given in Rome, on the 3rd of August, 1904. H. M. Cardinal GOTTI, Prefect. L. © S. A. Veccia, Secretary. FROM THE SACRED CONGREGATION OF RITES. The Mass for the feast of the Most Holy Rosary of the Blessed Virgin Mary is to be transferred, due to the large gathering of the people. Reverend Father Joseph Fantoni, priest of the archdiocese of Utine, with the consent of his Most Reverend Archbishop, humbly proposed the following question to the Sacred Congregation of Rites for a suitable solution, namely:

[*Latin ed. p. 107*]

From the Sacred Congregation of Rites: In the parish of Glemona, in the diocese of Udine, there exists an ancient custom, according to which, on the first Sunday of October, that is, on the feast of the Most Holy Rosary of the Blessed Virgin Mary, the archpriest, along with his clergy and the people, gathers to celebrate the Sacred Liturgy solemnly in the church of Saint Anthony, located with the Brothers Minor, in which there is an altar dedicated to the same Most Blessed Virgin under the title of the Most Holy Rosary. However, it sometimes happens that the feast of the Most Holy Rosary coincides with the feast of Saint Francis of Assisi, which is celebrated with a double rite of the first class with its Octave in all the churches of the Brothers Minor. Therefore, the question arises: Whether, in the event that the feast of the Most Holy Rosary of the B.V.M. coincides with the feast of Saint Francis, it is permissible in the aforementioned church of Saint Anthony, due to the gathering of the people, to sing the Mass of the feast being transferred, namely, the Mass of the Rosary, according to the General Rubrics of the Missal, title VI? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and also the expressed opinion of the Liturgical Commission, decided to respond: "Affirmatively" (i). And thus it responded. On May 6, 1904. k g A S. Cardinal CRETONI, Prefect. f D. Panici, Archbishop of Laodicea, Secretary. (i) The General

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Rubrics of the Roman Missal, Title VI, Concerning the Transfer of Feasts, generally state that: "In singing the Masses, the Order of the Breviary for the Transfer of Double Feasts should be observed, when a greater feast, or a Sunday, is celebrated." Indeed, they introduce an exception, or rather, a certain privilege: "However, in churches where the people gather to celebrate the feast for which the title of the church is named, or which must be transferred, two Masses may be sung, one for the day, and one for the feast." Therefore, two cases are mentioned in which, besides the votive Mass of the feast being transferred, it is permitted to sing, along with the Office of the day, also the Mass of the feast. The first case is the title of the church, namely, when the feast of the titular saint of a church, due to its coincidence with a feast or a Sunday of a higher rank, must be transferred to another free day. The second case is the gathering of the people, when a large number of people gather in a church, especially on a Sunday of a higher rank, for which the feast must be transferred due to its coincidence. From this, in accordance with the feast or decree of the Sacred Congregation of Clodien, on...

[*Latin ed. p. 108*]

From the Acts of the Order of Friars Minor, Province of Portugal, concerning doubts regarding the exposition, reservation, and distribution of the Most Holy Sacrament, as well as concerning the place of the Cross above the altar. The Reverend Father Dominic Consalves Sánchez, formerly Provincial Minister and Kalendarist of the Seraphic Province of Portugal, in order that all things may proceed according to order in ecclesiastical functions, in accordance with the prescriptions of the Holy Roman Church, on August 7, 1875, no. 3365, concerning whether the Solemn Mass can be sung on the day of the transfer of a feast, and whether the Votive Vespers of the same feast can be sung with a single Collect. The aforementioned Rescript, as is evident, pertains to the second case, because it concerns the feast of the Most Holy Rosary of the Blessed Virgin, which, when it coincides with the greater feast of Saint Francis of Assisi, must be transferred, and whether, on that day, a votive Mass can be sung with a large gathering of the people. However, the gathering must be extraordinary, as is the case when there is a particular feast to be solemnly celebrated, as declared by the Holy Congregation of Rites in the Decree *Multen*, of September 23, 1837, no. 2769, *ad VIII*, question 4. The votive Mass of the transferred feast, or the Mass with a large gathering, must be sung as a votive solemn Mass, with the Gloria, for a grave or public cause of the Church, namely with the Creed, a single Collect, and the Gospel of Saint John at the end. Furthermore, it should be noted that the rubrics state: "two Masses may be sung," but they are not to be sung. Hence, as in both of the aforementioned cases, the votive Mass of the transferred feast may be omitted, and only the Mass of the day may be sung; indeed, (except for Cathedral and Collegiate Chapters,

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which are obliged to sing the Conventual Mass), even that may not be sung; for the same reason, only the Mass of the transferred feast may be sung (but not read), and all other Masses of the Office that occur are to be read, unless, as mentioned above, there is a particular obligation elsewhere. See the Decrees of the Holy Roman Church of Bergamo, of August 17, 1709, no. 2198, *ad i*, as well as those of Massae and Populonia, of September 3, 1746, no. 2392, *ad i*. Finally, there are certain days on which the Mass of the transferred feast is prohibited, such as, according to the rubrics reformed by the Holy Roman Church in the Decree of December 1897 (see *Acta S. Sedis*, vol. 30, p. 461), the Sundays of the class of Jesus, the double feasts of the Lord, and privileged feasts. Vol. I, p. 80, no. 6g) and Van q. 265 and following) (N. R.). Item 11 of the major feasts of the first class (except for the feast of the Most Holy Heart). For related matters, see De Herdt, *Der Stappen* (Praxis Sacrae Liturgiae, *Sacra Liturgia*, Vol. II, p. 244).

[*Latin ed. p. 109*]

From the Sacred Congregation of Rites, 109, and those customs which oppose them are entirely abolished, with the consent of its Most Reverend General Procurator, the following questions are humbly proposed to the Congregation of Sacred Rites:

I. It has been the custom in many churches, even in chapels where the Most Holy Sacrament of the Eucharist is not reserved, frequently to celebrate the feasts of the Lord, of the Blessed Virgin Mary, or of the Saints, with the public exposition of the same Most Holy Sacrament in a ciborium, even during the celebration of Mass, for greater solemnity, with the prior permission of the Ordinary, which is always granted. Often it happens that in chapels, where the Most Holy [Eucharist] is not reserved, there is no pyx; therefore, the sacred Host, to be consecrated the day before, is kept in some kind of tabernacle among other objects, and then placed therein, to be consumed the following day during the Mass. The question is asked: can such practices at least be tolerated? And to this, an affirmative answer is given to the first question and to the first part;

II. Can the aforementioned exposition of the Most Holy [Eucharist] in a ciborium still be done before the solemn Mass to be celebrated, in which Holy Communion is to be solemnly administered to children or other faithful?

III. Is Holy Communion to be administered to the faithful only at the time when Mass is permitted to be celebrated, according to Decree 2572, ad XXIII (i); or also beyond the aforementioned Decree of Tudense, of July 7, 1816, n. 2572 ad 23: "Can the sacred Eucharist be administered to the faithful at any hour before dawn and after midday, for the sake of great gatherings for a plenary indulgence or jubilee?" And the Sacred Congregation responded: "In the case in question, affirmatively, at the time when Mass is celebrated in that church, or according to the form of the Indult

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in the same Missal (Title XV, n. 1); or when granted to the church." "A private Mass... can be said at any hour from dawn to midday, according to the General Rubrics." However, the terms "dawn" and "midday" should be understood not mathematically but morally, and therefore the Mass can be concluded at dawn and begun a little before midday. Furthermore, the Sacred Congregation, in the Decree of Bonarelli, July 7, 1899, n. 4044 ad 4, left "to the prudent judgment of the Ordinary, in any solemnity, whether the Mass..."

[*Latin ed. p. 110*]

From the Sacred Congregation of Rites, I ask: Is it permissible, until sunset, to administer the Sacraments? II. Can a Cross with the image of the Crucified Christ be placed in the middle of the altar, among the candlesticks, even in the altar where the Most Holy is reserved, immediately before its tabernacle; or should it be placed upon it, or on the back of it? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, the unanimous vote of the Liturgical Commission, and all matters carefully, decided to respond as follows: To I. Regarding the first part, it is generally not to be done, and with the permission of the Ordinary obtained in each case (i). Regarding the second part, namely, that if a pyx is lacking, the Sacred Host may be exposed at midday, so that, due to the solemnity of the singing and the sermon, Mass may be celebrated until the second hour or later. Furthermore, it must be noted that certain churches have been granted a special dispensation to begin Mass earlier or to finish it later. Therefore, regularly, during the entire time that the celebration of Mass is permitted in any church, Communion may also be distributed to the faithful (N. R.). (i) The Council of Trent (Session XIII, canon VI, concerning the Eucharist) defined that the Most Holy Sacrament can be exposed for the veneration of the faithful with these words: "If anyone should say... (the Most Holy Sacrament) is not to be publicly exposed for the adoration of the people, let him be anathema." However, the Doctors do not agree on whether it is more expedient to expose the Eucharist rarely or frequently; some maintain that rare exposure is preferable because of the irreverences that may arise from it, in order to foster the devotion of the faithful. Benedict XIV adds: "Let the devotion to the Eucharist be increased." (Inst. XXX, n. S) "Others, on the contrary, defend frequent exposure." Nevertheless, all agree that, as the divine worship of the Eucharist increases or decreases, so too should the exposure of the Most Holy. And where this worship increases, the same Doctor (loc. cit.) praises frequent exposure "provided it is not too frequent," since excessive frequency diminishes reverence. Hence, the Sacred Congregation of Rites, in Decree 5, dated September 27, 1864, n. 3, 1, 2, 4, permitted the custom of exposing the Most Holy Sacrament throughout the day on the feasts of the Blessed Virgin Mary and other Saints, at the same time moderating the

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excessive use of the exposure of the Most Holy, which must be done for a public reason and with the permission of the Ordinary.

[*Latin ed. p. 111*]

From the Sacred Congregation of Rites, Book III, among the matters pertaining to the ceremonies, it is to be observed that this kind of abuse must be entirely eliminated. Regarding II: It is not permitted. Regarding III: Affirmative concerning the first part; negative concerning the second. Regarding IV: The cross shall be placed among the candlesticks, never before the doorway of the tabernacle. It can also be placed upon the tabernacle itself, but not upon the throne where the Most Holy Sacrament of the Eucharist is exposed. And thus it was decreed, on June 2, 1904. Most Reverend Cardinal L. CRETONI, Prefect. Most Reverend D. Panici, Archbishop of Laodicea, Secretary. ROME. Decree concerning the beatification and canonization of the Venerable Servant of God, Gaspar Del Bufalo, Canon of the Basilica of Saint Mark in Rome, Founder of the Congregation of the Missionaries of the Precious Blood of Our Lord Jesus Christ. Concerning a Doubt: "Whether, with the approval of virtues and two miracles, it is possible to proceed to the solemn beatification of the Venerable Servant of God."

The Church, born from the side of Christ, as if a field fertilized by divine blood, has, over the course of the centuries, produced abundant and varied fruits, according to the diverse charisms with which they were endowed, or according to the opportune times, which are governed by the providence of God. Among the holy men, laborers in the Lord's harvest, the illustrious founder of the Congregation of the Precious Blood, to which also the pious Sisters of the same name belong, the Venerable Servant of God, was in a particular way favored in his apostolate by the very source of sanctity and salvation.

[*Latin ed. p. 112*]

From the Sacred Congregation of Rites, the report of Father Gaspar Del Bufalo. It appears to bear a resemblance to the Angel "having the sign of the living God," by which these things are announced: "There shall be a sign to you: Behold, a virgin shall conceive and bring forth a son." Born in Romae, after an adolescence lived with the utmost innocence, he shone as an example of priestly virtue. Burning with love for God and for his neighbors, he considered no act of piety or charity to be foreign to him, and he spared no effort to bring any benefit to the human race through Christ, so that the words of the prophet could apply to his powerful ministry: "In that day there shall be a fountain opened to the house of David, and to the inhabitants of Jerusalem, for sin and for uncleanness." The Canon of S. Marci de Urbe, renowned for his devotion to the splendor and utility of that Basilica, was a true father of the poor, a comforter of the sorrowful, an unwearied herald of the divine word throughout the regions of Italiae,

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and a stimulator of Christian piety in every gathering. He was truly the salvation of the people; the Lord truly "He hath sent redemption to his people." Venerable and beloved, even during his mortal pilgrimage, he not only benefited the people, but also men of the highest dignity and virtue, among whom were the Supreme Pontiffs Pius VII and Leo XII, whose sanctity, after his death, was not only confirmed but also increased by miracles. Therefore, the cause was again brought up, and the question was raised concerning two miracles; regarding both of which the Most Holy Lord decreed that they should be considered (1). Nothing else will hinder the instituted discussion, except that it may be considered whether the honors of the Blessed in Heaven can be granted to the Venerable Servant of God, Gaspar Del Bufalo. Therefore, in the assembly of the entire Congregation of Sacred Rites, held on the eighteenth day before the Kalends of Quintiles, in the presence of the Most Holy Father, Pope Pius X, the Reverend Cardinal Dominic Ferrata, Relator of the Cause, proposed the following question to be discussed: "Can the process proceed to the solemn (1) Cf. Acta S. Sedis, vol. 36, p. 741.

[*Latin ed. p. 113*]

From the Sacred Congregation of Rites, Regarding the Beatification of the Venerable Servant of God. Those Cardinals present and the Consultors of this Holy Congregation affirmed that it was possible to proceed safely. However, His Holiness refrained from issuing an immediate judgment, postponing this weighty matter to another day, and urged those present to implore divine light. Today, on the most blessed feast of the Nativity of Saint John the Baptist, the Most Holy Father, having most religiously celebrated the Holy Sacrifice in the domestic chapel, succeeding the more noble hall of the Vatican and seated upon the pontifical throne, ordered the Most Reverend Cardinals Aloysius Tripepi, S.R.C., Pro-Prefect, and Dominic Ferrata, who presented the cause, together with the Reverend Father Alexander Verde, S.F., the Promoter of the Faith, and myself, the undersigned Secretary, to stand before him, and, with a solemn decree, declared: "That it is possible to proceed safely to the solemn Beatification of the Venerable Servant of God, Gaspar Del Bufalo." Furthermore, he ordered that this decree be made public and recorded in the acts of the Sacred Congregation of Rites, and that Apostolic Letters, in the form of a Brief, regarding the solemn Beatification, be issued in due form in the patriarchal Basilica of the Vatican, where it shall first be permissible, on the eighth day before the Kalends of July, in the year 1904. S. Card. L. CRETONI, Prefect. S. f D. Panici, Archbishop of Laodicea, Secretary. ROMAN OR TRENTINE AND PRAENESTINE Decree concerning the Beatification and Canonization of the Venerable Servant of God, Stephen Bellesini, of the Order of the Eremites of Saint Augustine, parish priest in the town of Genestano. Regarding the Doubt: "Whether and concerning which miracles there is

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evidence in the case and to what effect." Through a happy union of marriage, religious solitude, and a most salutary apostolate, as if in the spirit and virtue of Elijah, the Acts of the Holy See, Volume XXXVII, page 2.

[*Latin ed. p. 114*]

114 From the Sacred Congregation of Rites, many [religious], both for the rest of the Christian flock, and especially for those to whom the care of souls has been entrusted, have served as a shining example. Today, the Church, the Bride of Christ, presents a son of an ancient Order, flourishing with this double praise, both a most upright monk and a tireless worker in the vineyard of the Lord, who seems not only to have borrowed the name from his law-giving Father, but to have inherited along with it a burning zeal for the salvation of himself and others. Such was the Venerable Servant of God, Stephen Bellesini. Born in Trent in the 18th century, he showed signs of future sanctity and, as it were, a maternal instinct from his childhood. Having been received into the Augustinian Order of Hermits, he was a source of admiration to his brothers and superiors alike. While occupied with theological studies in Bologna, he was quickly removed from that home by the harsh times of the French disturbances, and the pontifical city forced him to return to his birthplace. There, not yet raised to the priesthood, he devoted such zealous effort to sacred sermons that the temples could scarcely contain the large crowds; he was so diligent in the salvation of his neighbors that, weakened by his efforts, he was carried on a litter to receive the priestly anointing. Not long after, when religious men throughout Italy were being driven out, the Venerable Servant of God withdrew to a private home with his mother and brother, where, among other works of piety and charity, he opened a school for boys from the Christian people, nourishing them with Christian doctrine and relieving them from misery. The number of these boys grew remarkably in a short time, provoking the anger and vexations of wicked men against the holy man, until, when order was restored in the civil province of Austria, the Venerable Servant of God was appointed to oversee all the schools of the principality of Trent. But soon, when the religious families were restored, Stephen returned to his Augustinian monastery in Bologna, like a dove to its roost. Soon after, in Rome, in the City of the People, and in Geneva, he was appointed a master of piety for the novices of his Order, and by wise governance, he showed how much richer a harvest he would gather from a wider field. The apostolic zeal of the Venerable Servant of God was evident in the parish of Geneva, which he was entrusted to govern, where, embracing virtues with charity.

[*Latin ed. p. 115*]

From the Sacred Congregation of Rites, II5, he devoted himself so completely to helping souls and bodies, that he not only deserved to be called

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the father of the poor, but also, like the Good Shepherd, he gave his life for his sheep. To this supreme sacrifice, the most desired holy man offered an opportunity when a terrible contagion arose in the year 1838. While rushing to the aid of the sick, Stephen contracted the same disease through contact, and was soon taken as a victim of charity, on the eleventh day of the month of February of that year. These are, in summary, the monuments of piety and charity that Venerable Stephen left to posterity; these are examples of sanctity, for which, although signs and miracles were not lacking to illustrate them, the cause of this same Venerable Servant of God was presented to the Holy Roman Congregations. After a decree of approval of virtues was issued by the Most Holy Pope Leo XIII, of blessed memory, on the eve of the Ides of May, in the year 1896, concerning two miracles which, through his intercession, were said to have occurred (1). The first of these, in order of presentation, occurred in the town of Genestang in the year 1875. John Sarti, a farmer, was afflicted by a severe disease, a chronic spinal leptomeningitis, which gradually rendered him completely paralyzed, and his weakened body was dragged along by supports. He, having heard that it was the anniversary of the death of Venerable Stephen, approached the church of the Mother of God, under the Good Counsel, with great difficulty, as was his custom, and, lying before the tomb of the Venerable Servant of God, he began to implore his help and to publicly confess his sins, with great tears. But behold, to the astonishment of all, he immediately rose, the supports were cast aside, and he returned home, restored to his former strength. The second miracle occurred in the year 1845. Sister Mary Hyacintha Rebora had been suffering from a severe inguinal hernia for seventeen years in the city of Genoa.

(1) Cf. Acta S. Sedis, vol. 28, p. 689.

[*Latin ed. p. 116*]

From the Sacred Congregation for Rites, which was burdened not only by length of time, but also by difficulties, it happened that a comparison was made between the two cases! This was especially the case when the physicians had declared the illness incurable, and the patient was to die within a certain number of days. At the urging of a sister, a novena of prayers was begun for Stephano Bellesini, and, fixing her eyes on his image, and speaking to him piously, she did not restrain her tears. Hardly had the last of the days of the supplication passed, when he was immediately and completely healed, without leaving any trace. After a diligent investigation into both miracles, and after the Apostolic documents were completed, and their validity was recognized and approved, the cause was then presented first in a preliminary meeting held in the houses of the Reverend Cardinal Vincent Vannutelli, the day before the Kalends of April of the previous year; again, in a preparatory meeting held at the Apostolic Palace in Vatican, on the Octave of March of the following year; and finally, in a general assem-

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bly before His Holiness Pope Pius X, the day after the Ides of June of the same year; in this assembly, by the Reverend Cardinal Vincent Vannutelli, Bishop of Praeneste, the Relator of the cause, it was proposed with great joy of spirit the question: "Whether the miracles in question are sufficient in this case, and to the effect of what is being considered." His Holiness, the Reverend Cardinals, and the Consultors, after acknowledging and accepting the votes, deferred the final judgment to another day, urging all those present to seek heavenly light in this very important matter.

But on this most joyous day, which is the feast of the Nativity of Saint John the Baptist, having first performed sacred duties, and then, in a more noble hall of the Vatican, succeeding to the pontifical throne, He received the Reverend Cardinals Aloysius Tripepi, S.R.C., Pro-Prefect, and Vincent Vannutelli, Bishop of Praeneste, the Relator of the cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, the undersigned Secretary, and, with them present, He issued a solemn Decree stating that two miracles had been established.

[*Latin ed. p. 117*]

From the Sacred Congregation of Rites, paragraphs 117 and following: concerning the first [miracle], "The instantaneous and perfect healing of John Sarti from a grave, chronic spinal leptomeningitis, with immediate recovery of strength"; concerning the second, "The instantaneous and perfect healing of Hyacinth Rebora from a bilateral inguinal hernia, enormous and chronic." This Decree was ordered to be promulgated and recorded in the acts of the Most Holy Congregation on the eighth day before the Kalends of July, in the year 1904. Most Reverend Cardinal CRETONI, Prefect. Reverend Father D. Panici, Archbishop of Laodicea, Secretary.

NOLA. A simple priest cannot, by his own right, reconcile a desecrated church, even if only blessed, without the delegation of the Bishop. The Roman Ritual teaches that a desecrated church, if consecrated, must be reconciled by the Bishop; if only blessed, by a priest delegated by the Bishop. Since there is not unanimous agreement among the Doctors concerning the obtaining of a delegation from the Bishop for a blessed church, in order to prevent ordinations, the present Reverend Bishop of Nola humbly requested the Sacred Congregation of Rites: "Can a simple priest, by his own right, reconcile a blessed church that has been desecrated, without any delegation from his Ordinary?" And the Sacred Congregation itself, after considering the report of the undersigned Secretary, and also the careful opinion of the Liturgical Commission, decided to respond to the proposed question: "Negatively, and the Roman Ritual, title VIII, chapter 28, must be observed." And so it responded in writing. On July 8, 1904. Most Reverend Cardinal TRIPEPI, Pro-Prefect. Reverend Father D. Panici, Archbishop of Laodicea, Secretary.

(1) A church that is desecrated can be either solemnly consecrated or

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only blessed.

[*Latin ed. p. 118*]

From the Decrees of the Sacred Congregation of Rites, concerning the proper parts of the offices to be observed, the limits regarding the commemoration of the anniversary of the cathedral church, the readings to be read by a Confessor and not a Bishop, concerning the feast of the Translation of the Blessed House of Loreto for the year 1905, concerning the calendar to be used by the Religious in the Oratory of the Sisters, concerning the third candle in the Canon, concerning genuflections in the Vespers service, etc. Father Thaddeus Hermans, Calendar Keeper of the English Province of the Order of Friars Minor, with his simple blessing. In both cases, reconciliation must be achieved. Therefore, if the church has been consecrated, it can only be reconciled by the Ordinary of the place, or even by a simple priest, but by delegation from the Pope. But if the church has only been blessed, undoubtedly the Bishop is the minister of reconciliation, the ordinary minister. Furthermore, the question arises whether a simple priest, with or without the delegation of the Bishop, can lawfully reconcile a church that has been violated but only blessed. The entire question revolves around the lawfulness of the act, and not around its validity, because it is certain that even a simple priest, without the Bishop's permission, can validly reconcile a blessed church; this is especially derived from the Decree of the Sacred Congregation of Rites in Imola, of December 15, 1646, number 904, in which it is declared that a church had been validly reconciled by a Provincial of the Order of Servites, without the prior authority of the diocesan Bishop. Therefore, regarding the lawfulness of such a reconciliation, some have believed that a simple priest, even without the Bishop, can lawfully reconcile a church that has simply been blessed (title 40, chapter 10). They cited the Decree of Gregory IX (Decret, lib. III, "If a church which has not been consecrated... has been defiled, let the water be immediately poured out, so that the instruments of divine praise may not be suspended" [Lavetur]; as well as the authority of the Glossary to this Decree, v. Lavetur. If the Bishop's permission were to be awaited before the church could be washed, then the purpose intended by the Pope would be frustrated, "so that the instruments of divine praise may not be suspended" [n. 84]'). Reiffenstuel (Ius), Schmalzgrueber (h. tit., can., tom. III, title 40, also has this opinion), and others, such as Benedict XIV (De c. l5, n. 2); Ferraris (Bibl. can., art. 4, n. 71 and 72 v. Ecclesia); De Herdt (Praxis S. Liturgiae, part III, n. 164), etc. Others, on the contrary, as Vecchiotti (Inst. can., Lib. III, cap. V, § 556) maintains, defended the Bishop's delegation, arguing that the office of reconciliation belongs to a priest in an ecclesiastical dignity.

[*Latin ed. p. 119*]

From the Sacred Congregation of Rites, document number 119, a request

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was humbly made to the Congregation of Sacred Rites for a solution to the following doubts: I. Whether, on feast days, and not within the Octave, and on the day of the Octave, the proper parts of the Office should be placed in their due order, even if there is an impediment, in place of those which are either taken from the Common Office or are already recited in those same Offices, so that, for example, on the feast of Saint Anthony of Padua, the antiphons proper to those Vespers should be placed in the second Vespers, omitting the antiphons which would otherwise be repeated from the Lauds? Furthermore, it is asserted that the simple blessing of a church or cemetery can only be conferred by a priest constituted in ecclesiastical dignity (and not by a foreign priest), as decided by the Sacred Congregation of Rites in Cameracensis, on February 9, 1608, number 246, where it is stated: "The simple blessing of a church or cemetery, which is not consecrated, can be conferred upon someone (and not upon a foreigner) by a priest constituted in ecclesiastical dignity." Moreover, some assert that the reconciliation of a blessed church is reserved to the Bishop, so that he can delegate any priest, and therefore a simple priest cannot lawfully perform it by his own right or without the permission of the Ordinary. And the strongest reason is drawn from the Roman Ritual, which, in Title VIII, On Blessings, chapter 28, speaking of the aforementioned reconciliation, prescribes: "The reconciliation of a violated church shall be performed by a priest delegated by the Bishop in this manner." This is confirmed by the aforementioned Decree of Cameracensis, which states that the reconciliation of a church that is not consecrated can be conferred by a priest, and also by another decree, also cited from Imola, which, after declaring that a church had been validly reconciled by the Provincial of the Order of Servites, adds: "but in the future, the Angels are to be omitted" (Praelect. can., Lib. III, title 40, number 4). Giraldi (Expositio in similibus"). Cavalieri (Cfr. Tom. 4, iuris Pont., part I, sect. De dec. igi 6o3) ad 2 and 3) who, with several arguments of law, demonstrates this opinion. Although Gregory IX, in the aforementioned Decree, omitted the expression "requiring the delegation of the Bishop," he sufficiently indicated it in the preceding Decree, when he said that the Bishop's jurisdiction is rightly and properly held. It is indeed said that reconciliation can be performed by simple priests. Furthermore, "a priest constituted in ecclesiastical dignity can confer what is required to be conferred," but the word "confer" must be understood in the Decree of Cameracensis, but not in the sense of justification. Moreover, the current decision of the Sacred Congregation removes all doubt on this matter, and therefore a simple priest is required to obtain the Bishop's permission for the lawful reconciliation of a blessed church; except in cases where the same is not requested and a serious necessity arises (N. R.).

[*Latin ed. p. 120*]

From Instruction I20 of the Sacred Congregation of Rites, II. Whether cer-

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tain particular rubrics inserted into the Roman Breviary, approved by the Most Holy Pope Pius VI, and erased in the most recent editions, privately, ought to be restored and observed; such as, for example, the rubric which prescribed that the readings for the octave and ninth day should be joined together in the case of an impediment? III. Whether Regular clergy residing in England and elsewhere, when commemorating the anniversary of the Cathedral Church, ought to understand by "limits of the City" the suburbs of the present-day City; or rather, whether they ought to restrict the limits to the original City or Borough, which was sometimes quite small, where the Cathedral Church was built? (i) IV. Whether, on the feast of St. Mark of Montegallo, Confessor of the First Order, who completed his seventieth year, and of other Confessors whose lives exceed forty years, the readings "Justus" from the Common of the First Class should be read during the first nocturn, or rather, the readings "Blessed is the man to whom the Lord hath not imputed sin" from the Common of the Second Class? (Decree of the Sacred Congregation, July 9, 1885, n. 3863 to 4, in vol. 36, p. 492, note 9 of the Sacred Congregation's Decrees). (Cf. Acta which openly declares that the Anniversary of the Dedication of the Cathedral Church is to be observed by secular priests residing in the episcopal city under the double rite of the First Class with the Octave; in the entire diocese under the same rite but without the Octave; and Regular clergy residing outside the city are not required to celebrate the Anniversary of the Dedication of the Cathedral Church, except only those who reside in the episcopal city and indeed under the double rite of the Second Class without the Octave. These things are clear to all; the question, however, which is now presented to the Sacred Congregation for resolution, precisely concerns the determination of the limits within the episcopal city itself. And the same Sacred Congregation has also restored the suburbs and other places annexed to the city to be considered part of the city. Hence, whether secular clergy or Regular clergy are required to celebrate the Anniversary of the Dedication of the Cathedral Church in the suburbs of the city and in other places adjacent to the city, as if they were in the city itself. We have already addressed this question and its resolution in the Acta, p. 492 of the Sacred Congregation, vol. 36, Meliten., at the bottom of the page of December 18 (N. R.), as can be seen in...)

[*Latin ed. p. 121*]

From the Sacred Congregation of Rites, Decree 121, in the year immediately following, namely 1905, concerning the simplification of liturgical practices, in view of the observance of a privileged Sunday and the absence of a holiday, the Feast of the Translation of the Blessed House of Loreto, and therefore the Octave of the Immaculate Conception, remaining suspended by itself, the following questions are raised: Whether the conclusion of the hymns should be used throughout the year in the Office, and the Preface

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of the Most Holy Trinity should be used in the Mass; or rather, whether the conclusion of the hymns should be as in the feasts of the Blessed Virgin Mary throughout the year, and the Preface "And You" should be used in the Mass, as if the Translation of the Blessed House had the entire Office and Mass?

VI. Whether priests, both regular and secular, celebrating Mass in the chapel of a convent of a modern Congregation, and for the faithful who are not present, should celebrate Mass according to the calendar of their Order, or rather, according to the order of the Diocese, in which the Sisters of that Congregation, not having their own calendar by privilege or legitimate custom, experience a delay?

VII. Whether on the days of the Rogationes, the Commemoration of All Faithful Departed, and when, according to the special rubrics, the Office of the Dead is recited in the choir in the Roman-Seraphic Breviary, the Conventual Mass should be celebrated with the Rogationes, joined with a procession, or respectively for the repose of the souls; or rather, whether it should be celebrated with the double or semiduple tone, as is customary in churches of monastic orders that have divine office, if only one Mass is celebrated?

VIII. Can the Ordinary order that both secular and regular priests add the third candle to the altar during the Canon in Masses in that Diocese, where, as in the entire region, the custom of lighting it has long since fallen into oblivion and disuse?

IX. Whether in the evening service, the celebrant and the assistant should perform genuflection on both knees with a deep inclination of the head, for example, before the assistant, col-

[*Latin ed. p. 122*]

From the Sacred Congregation of Rites, question 122: When the Host is placed in the monstrance, should it be placed upon a throne, or should the celebrant, having received the humeral veil and the consent of the assisting ministers, take hold of the monstrance to impart the Benediction; or rather, in these and other cases, should a simple genuflection with one knee be performed?

Question 10: Since the anniversary celebrations, widely adopted from the Decree of the Sacred Congregation of December 2, 1891, number 3753, are those which are usually performed once a year by the communities: should the double rite be retained for the general Office for All the Dead of the Order of the Seraphim, and for the anniversary of All Our Parents; and in the other three anniversaries, so called, usually celebrated in the Order, should a half-rite be assigned, and three prayers recited in the Vespers and Lauds, and at Mass?

And the same Sacred Congregation, after hearing the report of the un-

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dersigned Secretary, having heard the opinion of the Liturgical Commission, and after careful deliberation, decided to respond as follows:

To I: Affirmative.

To II: Affirmative, because nothing can be omitted that has been ordered by the authority of the Holy See.

To III: Affirmative regarding the first part, Negative regarding the second part.

To IV: Negative regarding the first part, Affirmative regarding the second part (i).

(I) When readings for the first nocturn of Matins for Saints, who do not have proper readings in their own Office, are to be chosen, they should be taken from the Common of Saints, so that the following rules may be easily kept in mind:

1. If the readings of this kind are assigned in the first or second place in the Breviary, they are to be read, since the Church itself has authentically judged the readings to be more suitable and appropriate for the feast assigned. These readings must be the same, and no others.

2. If, however, the readings in question are not assigned in the Breviary, they should then be taken from those assigned in the first or second place, according to whether the Gospel of the Mass or the Prayer of the Office is from the Common of the first or second place, as is clear from the Decree of the Sacred Congregation of Rites, Namur, of September 11, 1841, number 283a, paragraph 6.

[*Latin ed. p. 123*]

From the Sacred Congregation of Rites, Decree 123: Regarding the first part, negative; regarding the second part, affirmative. Regarding item VI: Regarding the first part, negative; regarding the second part, affirmative, according to Decree No. 3927, Parisien, or the Decree of the Congregation of Brothers of Saint Vincent de Paul, July 17, 1896, item (i)(i). Regarding item VII: Regarding the first part, affirmative; regarding the second part, negative. Regarding item VIII: Affirmative, according to the general rubric of the Missal, title XX, and the authority of the Ordinary does not preclude Decree No. 4029, Resolutions of Doubts, June 9, 1899, item II(2). Furthermore, if neither the Gospel nor the Prayer pertains to a specific feast day, the readings are taken from the first place assigned, unless those in the second place are more suitable and appropriate for the feast day; this is established by the Decree of the Sacred Congregation of Rites, May 5, 1736, No. 2319, item 17. Finally, unless otherwise stated in a particular rubric, for the feasts of Confessors who died before the fortieth year of their age, readings pertaining to the Common Office are considered more suitable and appropriate; and for those who died after the fortieth year of their age, the readings of "Justus" from the first place and the readings of "Beatus

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vir" from the second place are considered appropriate. The Sacred Roman Congregation of Calagurita and Calceat, on the feast of Saints, February 13, this is demonstrated by Decree No. 3767, regarding doubt VIII, and especially by the recent decision, which removes all ambiguity from this matter. Stappen (Sacra Cfr. Liturgia, De Herdt (Praxis S. Liturgiae, Vol. I, (1) Cited Decree, item i, q. 20g, Vol. 3, in note) II, No. 343); Vander (N. R.) states: "Whether, when Priests of the Congregation of Brothers of Saint Vincent de Paul celebrate Mass in the chapels of pious Sisters or Religious, they are obligated to conform the Mass to the calendar of the Congregation of Brothers of Saint Vincent de Paul, or to the diocesan calendar?" Affirmative regarding the second part." The Sacred Roman Congregation responded: "Negative regarding the first part. Although this Decree is specific, it is to be considered general, pertaining to the entire Church." Sacred Congregation, Vol. 36, (2) The Missal states: "And from that side of the Epistle, the candle should be lit," p. 485, in the Roman. For reference, see also note (N. R.) title XX, item VIII, No. given in the case of a specific feast day, which pertains to the second "And from that side of the Epistle, the candle should be lit"; because the prescriptions to which we have referred concern the altar and the ornaments prepared for the celebration of Mass. However, in many churches, the contrary custom prevails, confirmed by the practice of the churches of the city, and it is not customary to light the third candle during Masses celebrated from the consecration to the Communion. Therefore, on June 9, 1899, regarding the doubt: "Whether this custom can be maintained," the Sacred Roman Congregation issued Decree No. 4029, Resolutions of Doubts, item II.

[*Latin ed. p. 124*]

From Decree 124 of the Sacred Congregation of Rites, Section IX. Negative concerning the first part, affirmative concerning the second. Concerning Section X. Affirmative concerning the first part, and, concerning the second, that three anniversaries can be celebrated with a double rite. And thus it was decreed on July 29, 1904. By Cardinal TRIPEPI, Pro-Prefect. L. "J> S, f D. Panici, Archbishop of Laodicea, Secretary. The Regular Order of Discalced Carmelites of Borussia, which also possesses its own calendar, are obligated to transfer the feasts of the Assumption and Nativity of the Blessed Virgin Mary. The present Reverend General Procurator of the Discalced Carmelites humbly presented to the Sacred Congregation of Rites that, through Apostolic Letters in the form of a Brief of Pope Pius PP. VI addressed to the Apostolic Vicar of Paphos and the Apostolic Vicar of Breslau, dated April 19, 1788, the entire region of Borussia was granted the faculty "to transfer the solemnities of the Assumption and Nativity of the Blessed Virgin Mary, which are entirely to be retained, to the Sunday day within the Octave, so that on that very day, the offices and Masses are celebrated, as if those feasts had been transferred, with a commemoration of

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the Sunday in the office and Mass, and also with the fast transferred to the preceding Sabbath day." Furthermore, since some are doubtful whether this law applies to those Regular members who follow the calendar proper to their respective Order, the response is: "Affirmative." This present decision makes it clear that, nevertheless, the Bishop can, by decree, order the lighting of a third candle in his own diocese, according to the rubrics of the Missal. Indeed, the Sacred Congregation of Rites does not intend to allow the rubrics of the Missal, which are generally binding, to be disregarded, nor has it permitted a derogation from the observance of custom to be prescribed by way of derogation, according to custom. (N. R.).

[*Latin ed. p. 125*]

From the Sacred Congregation of Indulgences and Sacred Relics, number 125, the following has been ordered; therefore, the aforementioned petitioner earnestly requested a solution to the following two questions: I. Whether those Regular clergy who enjoy their own calendar are bound by the law concerning the translation of the feasts of the Assumption and Nativity of the Blessed Virgin Mary in the Kingdom of Prussia? II. And, if the answer to the first question is negative, whether they can nevertheless conform to said law? And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, the fervent opinion of the Liturgical Commission, and mature deliberation, decided to respond as follows: To I. Affirmative, as is customary. To II. Provided for in the first. And thus it responded on August 5, 1904. S. Card. CRETONI, Prefect. L. *|> S. f D. Panici, Archbishop of Laodicea, Secretary. FROM THE SACRED CONGREGATION OF INDULGENCES AND SACRED RELICS. Declaration concerning the Decree "Of the City and the World" of June 17, 1904, regarding the invocation "Most Sacred Heart of Jesus, have mercy on us." Regarding the Decree "Of the City and the World" of June 17, 1904 (i), by which Indulgences were granted for the invocation "Most Sacred Heart of Jesus, have mercy on us," the following was inquired of this Sacred Congregation, which presides over Indulgences and Sacred Relics: I. Is it sufficient to gain the Indulgences if the priest says only "Most Sacred Heart of Jesus," and the people respond "have mercy on us"? (i) Cf. Acta S. Sedis, vol. 36, p. 750.

[*Latin ed. p. 126*]

From the Second Session of the Biblical Commission, item 126. Concerning the invocation: Is the recitation of this invocation, to be added to the prayers already prescribed after the celebration of Mass, obligatory? And the Holy Congregation judged that a response should be given as follows: To I. Affirmative. (i). To II. Although the obligation to recite the proper name has not been imposed by the Supreme Pontiff, the Most Blessed Father desires, for the sake of conformity, that each priest

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encourage the recitation of this invocation (2). Given in Rome, from the Secretariat of the aforementioned Holy Congregation, on the 19th of August, 1904. A. Card. TRIPEPI, Prefect. L. ”f- S. f D. Panici, Archbishop of Laodicea, Secretary. - 4+QB$»—●● FROM THE BIBLICAL COMMISSION Regarding the instruction of candidates for academic degrees in Holy Scripture. It is permitted, and indeed it is certain, that those who aspire to academic degrees in Holy Scripture, according to what is established by the Apostolic Letters concerning Holy Scripture, may contend in the disciplines (1). And this is the practice, (2). We have already indicated, in the Acts of the Holy See, volume 36, page 750, that what has generally prevailed in the churches of the City (N. R.). The Vicariate of the City, concerning the aforementioned Decree, has only confirmed this; while, on the contrary, several Bishops have been willing to consult, at least within their own dioceses, in order to impose this invocation in a mandatory manner upon their priests, for the sake of uniformity. This uniformity can easily be obtained henceforth, provided that not only the precepts concerning the strict name are observed, but also the widely accepted intentions and decrees of the Supreme Pontiffs are to be observed by the faithful. Furthermore, the recitation of this prayer has attached to it salutary and special Indulgences (N. R.).

[*Latin ed. p. 127*]

From the Biblical Commission, 127 topics are defined, in which legitimate tests of one’s doctrine will be given before the Biblical Commission. I. CONCERNING CONVERTS. In a written examination: Exegesis (that is, a doctrinal, critical, and philological explanation) of the four Gospels and the Acts of the Apostles. A passage from these, to be chosen by the examiners, will be explained using no book other than the text itself and concordances; and regarding this, caution will be exercised. In a verbal examination: I. In Greek, the four Gospels and the Acts of the Apostles. II. In Hebrew, the four books of Kings. III. The history of the Hebrews from Samuel to the Babylonian captivity, and also the evangelical and apostolic history up to the Roman captivity of Saint Paul. IV. A special introduction to each book of both Testaments. V. Selected questions from a general introduction, namely: 1. Concerning the inspiration of the Holy Scriptures. 2. Concerning the literal sense and the typological sense. 3. Concerning the laws of Hermeneutics. 4. Concerning the ancient synagogues of the Hebrews. 5. Concerning the various Jewish sects at the time of Christ. 6. Concerning the nations inhabiting Palestine at the time of Christ. 7. The geography of Palestine during the time of the Kings. 8. The division of Palestine and the topography of Jerusalem at the time of Christ. 9. The itineraries of Saint Paul. 10. The most ancient Palestinian inscriptions. 11.

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Concerning the calendar and the principal sacred rites of the Hebrews.

[*Latin ed. p. 128*]

128 From the Biblical Commission, 12. Concerning the weights, measures, and coins mentioned in Holy Scripture. II. FOR THE DEGREE: A more extensive dissertation concerning a certain, more weighty thesis, to be chosen by the candidate with the approval of the Commission. Before the Examiners: I. The defense of the dissertation to be examined by the censors. II. The exegesis of one of the following passages from the New Testament, chosen by the candidate and to be explained according to the judgment of the examiners: 1. The Epistle to the Romans. 2. The First and Second Epistles to the Corinthians. 3. The First and Second Epistles to the Thessalonica. 4. The Epistles of Imprisonment and the Pastoral Epistles. 5. The Epistle to the Hebrews. 6. The Catholic Epistles. 7. The Apocalypse. III. As above, the exegesis of one of the following passages from the Old Testament: 1. Genesis. 2. Exodus, Leviticus, and Numbers. 3. Deuteronomy. 4. Joshua. 5. Judges and Ruth. 6. The Books of Chronicles, Ezra, and Nehemiah. 7. Job. 8. The Psalms. 9. Proverbs. 10. Ecclesiastes and Wisdom. 11. The Song of Songs and Ecclesiasticus.

[*Latin ed. p. 129*]

I. From the Biblical Commission. 1. Esther, Tobias, and Judith. 2. Isaiah. 3. Jeremiah with the Lamentations and Baruch. 4. Ezekiel. 5. Daniel with the books of the Maccabees. 6. The Minor Prophets. IV. I. Concerning the exegetical schools of Alexandria and Antioch, and concerning the exegesis of the most celebrated Popes of the Greek centuries IV and V. 2. Concerning the exegetical works of Saint Jerome and of other Latin Fathers of the centuries IV and V. 3. Concerning the origin and authority of the Masoretic text. 4. Concerning the Septuagint version and concerning other older versions, in the use of texts. 5. The history of the Vulgate up to the beginning of the seventh century, and concerning its authenticity declared by the Council of Trent. V. Furthermore, proficiency must be demonstrated in some other of the oriental languages, besides Hebrew and Chaldean, which are of greater use in biblical disciplines. A separate document will be prepared, detailing the form and precautions that must be observed in experiments conducted outside the city, should such be permitted, as well as the various conditions and other matters required for either the awarding of a doctorate or the attainment of a laurea, and this document will be delivered solely to the candidates and those delegated to judge, whenever it is necessary. Letters should be sent to the Reverend D. F. Vigouroux, Rome, Quattro Fontane 113, or to the Reverend P. David Fleming O.M., Rome, Via Merulana 124, Consultants of the Biblical Commission, according to the

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acts. Acts of the Holy See, Volume XXXVII, part 2.

[*Latin ed. p. 130*]

From the Codification Commission: Universities also ought to contribute to the work of codification. Most Reverend and Right Reverend Lord, You have certainly already read the letters which the Most Blessed Father recently promulgated through a Motu Proprio concerning the reduction of Church laws into one body (i). Indeed, it is the intention of His Holiness that the entire canon law be suitably distributed into canons or articles, according to the form of more recent Codes, and at the same time, documents, after authentic collections of the Body of Law, from which the aforementioned canons or articles are derived, should be gathered together. The order to be observed will be more or less as follows: the initial part encompassing the general titles concerning the Most Holy Trinity and the Catholic faith, concerning Constitutions, concerning Custom, concerning Rescripts, and five books will be had: concerning Persons, concerning Sacraments, concerning Sacred Things and Places, concerning Delicts and Penalties, concerning Judgments; which order, however, established from the beginning for the convenience of the work to be performed by the Consultors, may, if it seems opportune in the progress of studies, be changed. Indeed, the Supreme Pontiff greatly desires that the most extensive university, under your leadership, contribute to this arduous and very important work. Therefore, He commands you to request from the predecessors of this university who are engaged in transmitting canon law, and then to report to me as soon as possible, which parts of canon law are prepared to be reduced into articles or canons. Upon receiving your response, a special instruction will be sent, by which appropriate norms, to be observed in this matter, will be transmitted to those same predecessors. (i) Cf. Acta S. Sedis, vol. 36, p. 549.

[*Latin ed. p. 131*]

Appendix II, 131. While I announce these things to you, as ordered by the Most Blessed Father, I testify to my highest esteem for you, and I declare myself most devoted to your authority. I am Peter Gasparri, Archbishop of Caesarea, Secretary of the Pontifical Commission for the Unification of Church Laws. Rome, April 6, 1904. To the Most Reverend and Most Reverend Lord Edward Hautcoeur, Apostolic Protagonist of the University of the Islands. APPENDIX II. * CONCERNING DISPENSATIONS FOR RATIALLY VALID AND UNCONSUMMATED MARRIAGES. 1. The Roman Pontiffs, exercising the power which they received from Christ, use the aid of the Sacred Congregations to dissolve valid but unconsummated marriages, having entrusted to these Congregations the duty of rendering judgment, both concerning the lack of consummation and concerning the reasons necessary for granting a dispensation, before they themselves grant

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it. 2. Furthermore, the Sacred Congregations, since it is almost always too difficult for them to themselves initiate the investigation, often delegate the task to the local Ordinaries to carry out these investigations in a judicial manner, reserving to themselves the final judgment, both concerning the lack of consummation and concerning the reasons.

[*Latin ed. p. 132*]

Appendix II. 3. It is easily understood that it is impossible to render a judgment unless the process has been properly completed, and the necessary information has been collected; and consequently, how grave is the duty of those who undertake to conduct such processes, so that they may carry them out properly and completely, lest, through their negligence, grace be denied, or at least delayed, with great detriment to souls.

4. Therefore, we consider it a useful undertaking, especially for the benefit of the ecclesiastical tribunals, to collect together those things which are found in the acts of the Pontiffs and in the instructions and decisions of the Sacred Congregations, or in approved authors, concerning such dispensations.

5. In order to proceed in an orderly manner, we will divide the discussion into two parts: in the first, we will consider the power itself; in the second, its exercise.

PART I: CONCERNING THE POWER ITSELF

6. We will inquire about this in three respects, namely: § 1. Whether it exists, or concerning its existence; § 2. What it is, or concerning its nature; § 3. In whom it is, or concerning its subject.

§ 1. Concerning the existence of the power.

7. Concerning the power in the Church to grant dispensations concerning valid and consummated marriages, LAMBERTINI wrote about it in his time, and then BENEDICT XIV, when he was a member of the Secretariate of the Congregation of the Council: "There is no dispute in the forum and in practice, and the controversy has usually been reduced to this question, namely, whether there is indeed a sufficient reason for granting such a dispensation, and..."

[*Latin ed. p. 133*]

Appendix II. i33: Whether it can be considered a verified circumstance that a marriage is valid but not consummated (Quaest. Can. 24). 8. Nevertheless, despite this persuasion in the forum and practice of the Holy Fathers, there have not been lacking, even in recent times, Doctors who, on the contrary, have held the opinion that it is not probable that the Roman Pontiff possesses this power. Thus, S. ALPHONSUS (Lib. 6, n. 7/7); and more recently, SCAVINI (Theologia Moralis: ed. 1833, lib. 3, n. 83p)

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writes: "If the matter concerns a valid marriage (Doctors), some deny that the Pontiffs can grant a dispensation, because a valid marriage is of the same nature as a consummated one. Thus, many agree with Gotti, Billuart, Alasia, and Knoll"; and DELVECCHIO (Th. mor., ed. 1880, vol. 2, n. 1061): "if, indeed, the matter concerns a valid marriage, there are still those who deny it." 9. Therefore, it is not surprising that, a few years ago, as can be seen in the Thesaurus S. C. C., there were not lacking new consultors to the Sacred Congregation of the Council who, before expressing their opinion regarding the lack of consummation and the reasons for granting a dispensation, vigorously defended this power within the Church. 10. Although, truly, I do not know if there are any Catholic Doctors who dare to defend the contrary opinion, nevertheless, so that this treatment does not seem incomplete, we will briefly mention those arguments which are most frequently put forward to prove the existence of this power. 11. Moreover, the argument is primarily drawn from the very exercise of this power by the Roman Pontiffs, and how effective it is in proving this power itself is declared by PALMIERI: "It is certain that for many centuries, many Roman Pontiffs have granted dispensations concerning a valid marriage. This is known from Martin V and Eugene IV, from the testimony of St. Antoninus in Summa Theolog., p. III, title i. It is known from Paul III and Pius IV, from the testimony of Navarri in Enchiridion, ch. 22, and from others up to Pius IX (cf. Perrone de Matrimonio, vol. III, page 509, note 115)."

[*Latin ed. p. 134*]

Appendix II. 1. Now, indeed, when so many Popes have done this, they certainly believed that they could do so, either from direct principles, knowing this with certainty, or from a reflected principle, to the extent that it was permissible for them to follow an opinion that seemed probable. However, it certainly follows from this: therefore, it is probable that there is no certain testimony from Scripture and Tradition that is contrary to this power. Furthermore, 2. The continuous exercise of this power in a matter of such importance, namely, the sacrament, by the Vicar of Christ, to whom the Holy Spirit assists in governing the Church, and the fact that this exercise is not disapproved by the Church, which certainly should have happened if it were not in accordance with revealed doctrine, means that the Roman Pontiffs have not wished to conclude the question of the propriety of the matter; therefore, this exercise, ultimately approved by the entire Church, is a sufficient argument for the power of the same. In this way, certain other rights of primacy are also demonstrated. Indeed, if this power were lacking, through the dissolution of a valid marriage, the Church would be the cause that something contrary to what is intrinsically honest would be done, since those whose marriages are thus dissolved would then enter into other marriages, which would truly be nothing other than concubinage; but God, although He may permit this or that Pope, acting according to

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his private opinion, to admit something less honest in his governance, nevertheless cannot permit the entire Church, with the Pope acting according to the Church's judgment, to be a promoter of such wickedness (Tractatus de Matrimonio Christiano, Editio altera... Prati... 1839, vol. 2, p. 1). 1 2. To this most powerful argument, others add further arguments to confirm it. Thus, SUAREZ (De Matrim., lib. II, disp. 14, n. 2) writes: "The Pope, according to the most probable (indeed, certain) opinion, can dispense in a solemn vow of religion; therefore, also in a valid marriage." I approve of the consequence; because a solemn vow is a stronger bond than a valid marriage.

[*Latin ed. p. 135*]

Appendix II. i35. And it is the tradition on both sides that a lesser bond is formed in marriage when it is contracted solely with a man; but a greater bond is formed in a vow, both with God and with men. Therefore, if the Pope can dissolve the greater bond which dissolves the very marriage itself, a fortiori, he can do so in a marriage. For, "if he who overcomes you overcomes you, a fortiori, he will overcome you." 13. Another argument can also be presented based on the common opinion that marriage, which is valid in law, is dissolved only by a religious profession; if the Church, by universal law, dissolves a valid marriage in the case of a religious profession, why could it not do the same in some other particular case of grave reason? (D.E. LUCA, S.I., *Summa Praelectionum in libros Decretalium*, Comm. in lib. IV, n. 935, Prati, 1904). 14. Furthermore, an argument of congruity is offered: "For marriage, as St. THOMAS says (Suppl. qu. 62 ad i), before the carnal union signifies that conjunction which is of Christ to the soul through grace, which indeed is dissolved by a contrary spiritual disposition, namely, by mortal sin, but after the carnal union it signifies the conjunction of Christ to the Church as regards the assumption of human nature into the unity of the person." 15. However, PALMIERI observes regarding this argument: "Although we are not permitted to reject this statement, it may be interpreted. We believe that this doctrine, rather than being a reason for the dissolubility of the marriage, is an explanation devised, presupposing that the dissolubility of the marriage is already known from elsewhere, so that an example might be given. For if it truly means only that the marriage is valid, why could it not be dissolved by other reasons as well, and indeed even by the private power of the spouses, just as the union of the soul with God?" Furthermore, Paul affirms of every Christian marriage that it signifies the union of Christ with the Church. Therefore, the distinction will be...

[*Latin ed. p. 136*]

Appendix II. "in the manner of representation, but the represented thing is the same" (loc. cit., th. 24). 16. Some attribute excessive efficacy to the

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resolution of the particular Congregation appointed by Clement VIII to examine the petitions presented to him for the dissolution of the marriage of the Prince of Transylvania and Maria of Austria, as if that Congregation had definitively settled the question of the Pope's power to grant a dispensation over a ratified and unconsummated marriage (PALLOTTINI, *Collectio de dispensationibus*, § XII, n. 2). Indeed, this Congregation was not appointed to resolve this very question, and it only treated it in a preliminary manner; after the Congregation observed the difficulty in declaring the marriage null due to the alleged impediment of impotence, it considered the possibility of dissolving the marriage by dispensation, regarding which, as Cardinal d'Ossat recounts, who participated in the Congregation: "three difficulties presented themselves. The first and the greatest" were whether the marriage was unconsummated, then whether the Pope could grant a dispensation, and finally, whether the causes for a dispensation were present; regarding the latter two difficulties, d'Ossat states: "we were all in agreement" (1).

(i) It is fitting to recount the proceedings of this Congregation as narrated by Cardinal d'Ossat, who participated in the aforementioned Congregation: "The Pope summoned eight Cardinals, four Auditors of the Rota, and two Jesuit Penitentiaries. The eight Cardinals were: from Saint Peter's, Borghese, Bianchetto, Mantica, Arrigone, Visconte, d'Ossat, and Bellarmino; the four Auditors of the Rota were Serafino, Pamphilio, Pegna, and Mellino; the two Penitentiaries were Justiniano, and another, whose name I do not recall. When we arrived in his presence, he told us that he had summoned us for a matter of importance, which was the dissolution of the marriage of Prince Sigismond of Transylvania and Archduchess Maria of Austria, for which petitions had been presented, inasmuch as the said marriage had not been consummated and there was no hope that it ever would be. He wished to proceed with all due justification... and for this reason, he requested, as he spoke, that we examine the letters and documents that had been sent to them... and he handed the documents to Cardinal d'Ascoli, the most senior of the company."

[*Latin ed. p. 137*]

Appendix II. 17. Rather, the most valid argument for proving the existence of such a power is derived from the celebrated Constitution of BENEDICT XIV, by the grace of God, where, although there is no explicit and formal definition of the matter, as WERNZ observes: "If the Reverend Father lacked that power to dispense in this matter, he would not only have erred in faith concerning the limits of his power, but also, by establishing a certain legal form for dissolving marriage, he would have validly and lawfully celebrated adulterous marriages. Cf. Wilmers, De Christi Ecclesia, p. 472, concerning the infallibility of the Church in establishing general discipline." (Ius Decretalium, Vol. IV, Ius matrimoniale Ecclesiae catholi-

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cae, Rome, 1904, n. 698, note 40); Therefore, it must be concluded: "The doctrine concerning the right of the Reverend Father to dissolve marriages, although not yet expressly and formally defined, is so certain that a contrary opinion not only lacks probability, but also cannot be sustained by any means by a Catholic." WERNZ (loc. cit.). (Followed by) B. Melata. "The aforementioned Cardinal d'Ascoli had copies made of the aforementioned documents... and sent them to each of us, informing us that, according to... the Congregation would be held at his residence on Tuesday. On that day, we fourteen were all present in his lodging, where it was first deliberated whether there was a means of proceeding with this dissolution of marriage through legal means... or whether it was necessary to take the path of grace and dispensation. And it was resolved concerning this, that there was no means of achieving the aforementioned dissolution through legal means... This resolution being thus made by us, we began to discuss the other path, namely, the dispensation, on which three difficulties arose. The first and greatest: whether, by the documents that had been presented, it was sufficiently proven that the marriage had not been consummated. The second... whether the Pope could dispense a marriage that was not, however, consummated. The third... whether there were just and reasonable causes for granting the dispensation... "Concerning the other two questions, we were all in agreement, namely, concerning the second, that just as the Pope cannot dispense in a marriage that is valid and consummated, so it is that he can dispense in a marriage that is valid and not consummated." The conclusion was that if the parties were content to obtain the dispensation...

[*Latin ed. p. 138*]

Diary 1.38 of the Roman Curia. DIARY OF THE ROMAN CURIA. In the month of July, 1904, Pope Pius X, through letters from the Secretariat of State:

1. He deigned to appoint His Eminence Franciscus de Paola Cassetta as Protector of the Venerable Archiconfraternity of Saint Mary of the Seven Sorrows and Saint Anthony of Padua in the church of Saint Eusebius at the Esquiline.

2. He deigned to admit the Most Reverend Basil Pompili among the Auditors of the Roman Rota.

3. Considering the imminent canonization, he deigned to establish a special Congregation to prevent and resolve controversies, composed of the following Eminences and Lords Cardinals, namely Aloysius Tripepi, Pro-Prefect of the Congregation of Rites; Mariano, of the Congregation of Rites; Anthony Rampolla; Domenico Ferrata; John Baptist Casali dei Drago; Sebastian Martinelli; Francis Desiderato Mathieu; Aloysius Macchi; and also of the following Illustrious and Reverend Prelates, namely Peter Piacenza, Diomede Panici, Alexander Verde, Angelo Mariani, and Francis Riggi.

4. He appointed His Eminence Aloysius Tripepi, Pro-Prefect of the Con-

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gregation of Rites, as Procurator for the canonization.

5. He deigned to choose the Reverend Fathers Xaverius Di Canzano and Joseph Di Bisogno, Canons of the Basilica of the Vatican, as Presidents of the Postulators for the canonization.

6. He deigned to admit His Eminence and Reverend Lord Sebastian Martinelli among the Eminences who compose the Sacred Congregation for Extraordinary Ecclesiastical Affairs.

[*Latin ed. p. 139*]

From the Records of the Roman Curia, on May 13th, in the year 1904, a Sacred Congregation of Bishops and Regular Canons was held in the Apostolic Palace at the Vatican, in which the following causes were discussed, according to the custom of the same Sacred Congregation, and were resolved as follows:

I. Of Bamberga. – Concerning Translation.

Question: Whether the decree of the Archbishop of Bamberg in this case should be confirmed?

Answer: The decree is to be confirmed.

II. Of Tusculum – Concerning Exemption and Rights.

Questions:

1. Does it appear that the chapel or oratory of the Blessed Virgin Mary of the Castagno, belonging to the Discalced Carmelite Convent of Saint Sylvester at Tusculum, is legitimately possessed?

2. Can the aforementioned chapel be considered exempt from the jurisdiction or visitation of the Bishop of Tusculum, with the consent of the aforementioned Discalced Carmelites?

3. Can the diocesan Bishop, without the consent of the aforementioned Discalced Carmelites, transfer or grant permission for a transfer, namely, to a parish in the locality of Monte Compatri, even for a short time, of the image of the Blessed Virgin Mary of the Castagno, which is located in the aforementioned oratory?

4. Can the manner of acting of the Reverend Prior of the Convent of Saint Sylvester, near Monte Compatri, concerning the celebration of Masses in this case, be approved, both in law and in fact?

5. Can the manner of acting of the aforementioned Reverend Prior concerning the blessing of animals in the chapel of Saint Anthony the Abbot in this case, be approved, both in law and in fact?

Answers:

1. Affirmatively.

2. Negatively, in the first part; affirmatively, in the second part.

3. Negatively.

4. And 5. Affirmatively, with the understanding that the Reverend Prior

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of the Convent of Saint Sylvester should act with greater prudence in similar cases.

III. Of Marsorum – Concerning Suspension and Rights.

Question: Can the suspension imposed on the parish priest, Venantio Colelli, by the Reverend Vicariate General of the diocese of Marsorum, in this case, be sustained?

[*Latin ed. p. 140*]

Diary, 140, Roman Curia, 2nd. 1°. Whether and what expenses the Parish Abbot Colelli is obligated to pay to the Priest Pentoli in this case. 2°. Whether Abbot Colelli should grant to Priest Pentoli a mandate to collect all that which pertains to the cause against the State property, until its conclusion. Answer: 1°. In my opinion, the intention is that Father Venantius Colelli be restored to the ability to celebrate Mass. 2°. And 3°. It is to be adhered to the agreement of the day of September 5, 1903, but in such a way that the mandate to collect from Father Colelli is entrusted to a person designated by the Episcopal Curia, and the money collected is deposited with the same Curia, which will dispose of it for the expenses of the legal proceedings before the civil courts, incurred or to be incurred by Father Pentoli, provided that they are duly verified by the same. Furthermore: IV. Order of Saint Benedict - Dismissal. Question: 1°. What broader interpretation should be given to article V of the declarations of June 12, 1858: "No one, however, after having made profession of simple vows, can be dismissed because of infirmity that subsequently arises." 2°. Whether the decree, by which the young man Salmón, who had professed simple vows, was dismissed from the Order of Saint Benedict, is valid in this case. Answer: 1°. Not proposed. 2°. In the case of Salmón, infirmity was not a sufficient cause for dismissal. V. Fermo - Funerals. Question: 1°. Whether the decree of the Reverend Curia Archbishop of Fermo of May 5, 1903, should be confirmed in this case. 2°. Whether the Reverend Fathers of Saint Augustine of the place of Amandola have the right to perform the funeral rites for the families of Fedeli and Vermigli in this case. And, if affirmative: 3°. Whether the Parish Priests of Saint Donatus and Saint Mary have, by celebrating the funerals of the deceased Michael Fideli and Anthony Vermigli, violated the rights of the Fathers of Saint Augustine in this case. Answer: 1°, 2°, and 3°. To the Archbishop, so that he may examine the matter of law in due order, up to and including the judgment. On July 16, 1904, the Sacred Congregation of the Council was held in the Apostolic Palace of the Vatican, in which the following cases were proposed, according to the custom of the same Sacred Congregation, to be discussed, and which were resolved according to law:

[*Latin ed. p. 141*]

Diarium Curiae Romanae 141 I. Bergomen. — Declarationis fiduciae

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(Under seal). Answered, and in accordance with the opinion. II. Ariminen. — Decimarum. Answered, in accordance with the opinion. III. Thermularum - Proventuum. Answered; the decree is to be maintained, and in accordance with the opinion. IV. Parisien. — Matrimonii. Answered; the judgment is to be confirmed. V. Rubellen. - Nullitatis Matrimonii. Answered; based on the presented arguments, the judgment is not to be confirmed. VI. Senonen. — Dispensationis Matrimonii. Answered, affirmative. VII. Monacen, et Frisingen. — Dispensationis Matrimonii (Under seal). Answered, affirmative. VIII. Neapolitana - Nullitatis Matrimonii. Answered, in accordance with previous decisions. IX. Nullius Montis Cassini - Provisionis Ecclesiae patronatae. Answered; considering the particular circumstances, nothing is to be changed. X. Mediolanen. — Redemptionis onerum et transactionis. Answered. To 1. Negative, and in accordance with the opinion. To 2. and 3. See 1. On August 27, 1804, the Sacred Congregation of the Council was held in the Apostolic Palace at the Vatican, in which the following causes were proposed, according to the custom of the same Sacred Congregation, to be discussed, and concerning which legal questions arose, namely: I. Andrien. — Iurium (Under seal). Answered, in accordance with the opinion. II. Romana et Bredanen. - Dubiorum circa funera. Answered. To 1. It pertains to the parish priest of the cathedral or the principal church of the place, saving the particular customs and constitutions. To 2. It pertains to the parish priest of the place where the pilgrim spends his life, saving the particular customs and constitutions. III. Faventina - Admissionis ad Collegium. Answered. With firm intervention of the regular parish priests in assemblies, in which matters concerning the care of souls are discussed; in the rest, the decision is made at the request of the parties. IV. Nanceyen. et Tullen. - Dispensationis matrimonii (Under seal). Answered, affirmative. V. Venetiarum - Matrimonii (Under seal).

[*Latin ed. p. 142*]

142. Diary of the Roman Curia. R. [Regarding] the affirmative, having considered the matter with the Most Holy [Father] for a dispensation from the second proposition. Regarding 2, [it is] provided for in the first. VI. Ragusa and Pharen. – Dispensation from marriage (Under seal). Affirmative. VII. Paris. – Nullity of marriage. R. [The] third consulter should write. VIII. Barcelona. – Parochial rights. R. Regarding 1, affirmative, and in accordance with the following: and [it is] the opinion that the Most Reverend Bishop should proceed with great moderation in granting the indulgences of which we are speaking, and should establish a single and equitable tax, to be observed equally by the Cathedral and by all the churches of the city, so that no one may ask for more, nor demand less. Regarding 2, affirmative. Regarding 3, [it is] provided for in the preceding. Regarding 4, negative, and the decree of the Bishop of October 12, 1869, should be observed. IX.

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Pinnen. – Deprivation of the parish (Under seal). R. Regarding 1 and 2, considering all that emerges from the acts and proceedings, [it is] the case that there is grounds for the deprivation of the parish, and furthermore: and the priest N. should consult his conscience. X. Melevitana. – Funeral fees. R. In the decisions and with regard to the collection of the fees, the usual practice should be observed; but that whatever is collected for the expenses of a fitting burial of the deceased, should be deducted from the entire fee, before it is divided into two parts and more. XI. Potentina – Rights (Out of order). R. In the decisions, with the third article of the general statutes for received churches observed, and furthermore. On July 12, 1904, an Ordinary Congregation of Sacred Rites was held in the Apostolic Palace at the Vatican, in which the Most Reverend and Right Reverend Cardinals, prefects of the Sacred Rites, presented the following cases and gave their votes, namely: I. Mantua – For the beatification and canonization of the Venerable Servant of God Francis Gonzaga, Bishop of Mantua, of the Order of the Friars Minor. – Regarding a doubt: "Whether there is grounds for the resumption of the cause in the state and within the terms in which it is found, in the case and for the effect of which we are speaking."

[*Latin ed. p. 143*]

Diarium Curiae Romanae 14.3 II. Abyssinia. — Concerning the beatification and canonization of the Servant of God, Justin de Jacobis, Bishop of Nilopolis and Apostolic Vicar of Abyssinia, by the Congregation of Missionaries of Saint Vincent de Paul. — Regarding the introduction of the cause. III. Milan. — Concerning the confirmation of the cult rendered from time immemorial to the Servant of God, Arialdo, Deacon of the Church of Milan. IV. Lucca. — Concerning the beatification and canonization of the Servant of God, Joseph de Cambantes, a professed priest of the Order of the Friars Minor of Saint Francis, Capuchin. — Regarding the revision of documents. V. Compagna and Campagna. — Concerning the granting and approval of the title of special patroness to the Blessed Virgin Mary, Immaculate Conception, for the town of Buccino, in the Archdioceses of Compagna and Campagna. VI. Aguascalientes. — Concerning the election or confirmation of Saint Michael the Archangel as the principal patron of the entire Diocese of Aguascalientes in Mexico. VII. Rossano. — Concerning the granting and approval of a proper office and Mass in honor of Saint Nilus the Younger, Abbot of the Order of Saint Basil, Founder of the Monastery of Cryptaferrata, for the Archdiocese of Rossano, of whom he is the principal patron. VIII. Poitiers. — Concerning the granting and approval of a proper office and Mass for the feast of Blessed John Charles Cornay, Martyr, for the Diocese of Poitiers. IX. Finally, concerning liturgical doubts. On July 26, 1904, a General Congregation of Holy Rites was held in the Apostolic Palace at the Vatican, before the Most Holy, in the following matters: I. Muro Lucano or Compagna — Concerning the canonization of

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the Blessed Gerard Maiella, a professed lay member of the Congregation of the Most Holy Redeemer. — Regarding the doubt: "Whether, and concerning which miracles, it can be established that, after the veneration granted to him, miracles have occurred, in the case and to the effect of which we are speaking." II. Rome or Praeneste and Trent — Concerning the beatification and canonization of the Venerable Servant of God, Stephen Bellesini, parish priest of the village of Genestano, of the Order of the Eremites of Saint Augustine. — Regarding the doubt: "Whether, with the approval of virtues and two miracles already established, it is possible to proceed to the solemn beatification of the Venerable Servant of God." III. Muro Lucano or Compagna — Concerning the canonization of the Blessed Gerard Maiella, a professed lay member of the Congregation of the Most Holy Redeemer. — Regarding the doubt: "Whether, supposing the approval of miracles after the granting by the Apostolic See..."

[*Latin ed. p. 144*]

Diary, 144, of the Roman Curia, addressed to the same Blessed, concerning whether it is possible to proceed to the solemn canonization of her. Present were, and they offered their opinions, the Reverend Fathers Consultors in Theology, the Illustrious and Reverend Lords Consultors in the Episcopate, and also the Eminent and Reverend Lords Cardinals of the Holy Roman Church. On August 30, 1904, in the offices of the Eminent and Reverend Cardinal Dominic Ferrata, a preparatory Congregation of Sacred Rites was held, concerning the cause of: Rome – for the beatification and canonization of the Venerable Servant of God, Anna Maria Taigi, mother of a family of the Third Order of the Most Holy Trinity for the Redemption of Captives. Regarding the doubt: "Whether it is established that she possessed the theological virtues of Faith, Hope, and Charity in God and towards her neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and their corresponding virtues, in a heroic degree, in the case and to the effect of which we are speaking." Note: The Readers are reminded, by order, to correct in the Rescript of Neocatastrensis, issued by the Holy Penitentiary Apostolic on January 20, 1904, which is found in volume 3, page 704, in the place of Lib. 5735, the reference to Lib. 5375.

[*Latin ed. p. 145*]

ACTS OF THE ROMAN PONTIFF: LETTERS from Pope Pius X to His Eminence, the Vicar of Rome, concerning the injury done to God and the Holy See by the international congress of "free thought" held in Rome (i).

Your Eminence, a new cause of bitterness has been added in these days to the many sorrows that, especially in our time, accompany the governance of the universal Church. We have learned (i), that Your Eminence, obedient to the mandates and wishes of the Holy Father, has arranged for

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special prayers to be offered on the occasion of the feast of Saint Michael the Archangel, as is customary in Rome: "The grave offense done to God and religion by the international congress of free thought recently held in Rome, has caused a cry of pain to erupt from the hearts of the faithful, especially the Italians, who in these days have felt the need and duty to draw closer to the Chair of Truth, which is the Apostolic See, and to express to the Roman Pontiff sentiments of filial veneration and firmness in the profession of the Catholic Faith. If the tears of the faithful have served to console the heart of the Holy Father, so deeply afflicted and saddened, may the tears of the Vicar of Jesus Christ obtain from you, most beloved Romans, a fitting reparation to the honor of God, which has been offended and violated! This is the desire of the Holy Father Pius X, which He has expressed to us in a most venerable letter, which we transmit to you in its entirety, confident that in no other way could we better stir your piety and respond worthily to the august invitation. (Here His Eminence reports the letters received from the Supreme Pontiff, and then continues): Therefore, in obedience to the will of the Holy Father, We order that the solemn reparation take place next Thursday (the 29th of the month), on the feast of the Archangel Saint Michael, in all parish churches one hour before the "Ave Maria," and in the other churches of Rome that are customarily open for divine worship, during the time of morning prayers. The pious function will begin with the exposition of the Most Holy Sacrament; it will conclude with the singing of the "Miserere" and the Litany of the Saints, and with the blessing. May your prayers ascend as a pleasing fragrance to the throne of God, and may they also obtain from divine mercy the conversion... (The passage ends abruptly here).

[*Latin ed. p. 146*]

Letters 146, with infinite sorrow, we learn that those who claim to be devotees of free thought have gathered in Roma, and the painful echo of their discourses has only too clearly confirmed the wicked designs that we had already discerned even in the simple announcement of their congress. Indeed, intelligence is a most noble gift, which the Creator willed to bestow upon us; but it becomes a sacrilegious injury against the Creator Himself to attempt to sever it from all dependence upon Him, or to elevate it to such a degree that it rejects the guidance and comfort of supernatural truths. Moreover, the gravity of this injury is multiplied a thousandfold when one considers the place where it has recently been committed, and the outward pomp with which it has been surrounded. Is not Roma the city destined to safeguard the deposit of the faith? Be it that infernal forces are of no avail, as they certainly can be of no avail, against the Church: the gathering of these in a Congress of free thinkers, to which, moreover, an international character has been given, always bears the character of outrage and provocation, and it cannot be said that it takes away from Roma the name of

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"Seat tranquil and respected" of the Vicar of Jesus Christ. Therefore, we take as our own the offense done to God, and we receive in our heart all the bitterness that it contains. But we do not direct our words to you today, Lord Cardinal, merely to express our sorrow. We gladly acknowledge that even in this most sorrowful hour, the Lord has been pleased to comfort us with the impressive manifestation of filial sentiments, whereby clergy and people from all parts of Italia have striven to draw close to us and to protest against the new and grievous offense perpetrated by so many of our misguided brethren. We earnestly exhort you, O Romans, to purify your consciences on this solemn occasion through the Sacrament of Penance, and to approach the Eucharistic Table with all fervor. Given from Our Residence, this 25th day of September, 1904.

P. Card. VICARIO

Pietro Can. Checchi, Secretary.

[*Latin ed. p. 147*]

Letters 147 concerning God and religion. But it is Our desire that the evil which We deplore should receive prompt and extensive reparation precisely where it was committed. For this purpose, We appeal to the zeal which, at all times, You, Lord Cardinal, have shown in a most noble manner, and We invite You to ensure that solemn acts of reparation take place in Rome for the outrage done to the Divine Majesty by the international congress of free thought. We do not doubt that Our children in Rome, suitably stirred up by You, will correspond to Our desire, as required by the sanctity of their faith, and as seems to be demanded by the honor and good name of their city itself. In the meantime, as a pledge of Our particular benevolence, We impart from Our heart to You, Lord Cardinal, the Apostolic blessing. From the Vatican, September 21, 1904.

PIUS PP. X.

(Latin Version)

Many anxieties, which the governance of the universal Church brings with it, especially in these times, have today been joined by a new cause for bitterness. With great sadness, We learn that those who claim to be devoted to free thought have been gathered together in Rome; and the painful echoes of their sermons have confirmed to Us the vile machinations which We had already observed from the very gathering of this congress. Indeed, intelligence is the most noble gift with which the Creator wished to enrich us; but a sacrilegious injury is inflicted upon the same Creator when one claims to free it from all dependence on Him, or when one elevates it in such a way as to reject supernatural truths. The gravity of this injury increases a thousandfold if one considers the place where it was consummated, and the external pomp with which it was adorned. Is not Rome the

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city to which the care of preserving the deposit of faith has been entrusted? And yet, although nothing can avail against the Church, as nothing can avail against the Church, the union of these forces in the congress of free thinkers, to which an international character has been given, constantly bears the character of injury and provocation, and therefore, it takes away from Rome the name of "Seat of the tranquility and reverence" of the Vicar of Jesus Christ. Therefore, We have taken offense at the outrage done to God, and We have received this bitterness with Our own heart. But We do not feel this...

[*Latin ed. p. 148*]

LETTERS

Letters in which Pope Pius X congratulates the Abbot of the Monastery of Crypta Ferrata on the centennial celebration of St. Nilus, expressing hope for the union of the Eastern Church with Rome.

TO THE BELOVED SON, ARSENIUS PELLEGRINI, BASILIAN MONK, ABBOT OF THE MONASTERY OF CRYPTA FERRATA, POPE PIUS X sends greetings and Apostolic blessing.

The celebrations are approaching which, through your, beloved son, and the efforts of others with you, will commemorate the birth of the blessed Nilus, Father of the Greek monks in the West, and also the founding of this monastery by him. We deem this auspicious occasion worthy of the glory of the Roman Pontificate, and we commend it with a testimony and recommendation of our most sincere will. We know that this was also done by our illustrious predecessor; who, when he learned that you had begun preparations for this celebration, and with the preceding encouragement of our Venerable Brother, addressed you with these words today. We gladly acknowledge that even in this most grievous hour, God has deigned to console us with this great manifestation of filial affection, whereby the clergy and people from all parts of Italy have striven to show their devotion to us and to protest against the new offense offered to God and religion. Our desire, however, is that the evil which we deplore should receive careful and extensive reparation, especially where it has been committed. Therefore, beloved son, we appeal to the zeal which you have always shown to us in the most noble manner, and we urge you to ensure that solemn acts of reparation are carried out in Rome, on account of the recent injury done to the Divine Majesty by the International Congress of Free Thought. We do not doubt that our sons in Rome, suitably encouraged by you, will correspond to our wishes, as their faith demands, and that they will seek the honor and good name of their city. In the meantime, beloved son, as a pledge of our particular benevolence, we impart to you our Apostolic blessing.

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From the Vatican, on the 21st of September, 1904.

[*Latin ed. p. 149*]

Letters 149. To Seraphino Vannutelli, then Bishop of Tusculum, the proper institution concerning the matter under consideration, having been communicated to you, he greatly approved of this undertaking, and prayed that it might have prosperous outcomes and be salutary for the unity of the Catholic Church. No one is unaware of the generous efforts of Leo for the reconciliation with the Eastern Churches. Moreover, it is clear to those who consider it, how much the history of the Basilian Monastery, if viewed in a favorable light, contributes to that reconciliation. For, the Greek monastic discipline, having been received with honorable hospitality at Tusculum, and having been placed almost within the bosom of the Roman Church, having flourished for a long space of time through the grace and benefits of the Roman Pontiffs, having retained and still retaining its own rites, with the same authors, so that it exhibits a noble example of the ancient unity, what do these things more clearly indicate, except that the Apostolic See is not only not averse to, but truly friendly to, the sacred institutions and rites of the Orient; and therefore, that through it, the sad discord cannot fail to be resolved? Indeed, these things, suitably illustrated by you, as they gave good hope to Our Predecessor, so they give to Us, who are led by a similar zeal in this cause: namely, that they will persuade many to lay aside their prejudices and to establish a holy union with Us. This is certainly a difficult cause, but one that rightly deserves the attention of all those who, by divine grace, participate in the Catholic unity. Therefore, for what you contribute to it with prudence and labor, we express our gratitude to you, and we implore heavenly assistance, without which all effort is futile. May the auspicious outcome of this endeavor, and as a testament of Our special benevolence to you, beloved son, and to the other excellent men entrusted with the celebration of this, and to all your associates, be granted to you through Our Apostolic blessing. Given at Rome, near St. Peter, on the 21st of September, in the second year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 150*]

Allocution which Pope Pius X delivered to the pilgrims from France, attributing the prosperity and glory of the French nation to its fidelity and devotion to the Catholic Church (i). "Welcome, most beloved sons, who come for the 14th time to venerate the tomb of the Apostles, and to comfort, by your presence, the successor of Peter." (i) On this day, the 8th of September, 1904, the Holy Father, through this Allocution, addressed the pilgrims from France, and in response to the Archbishop of Toulouse, His Most Reverend Excellency, and the Very Reverend Harmel, and the other dignitaries, led by the Archbishop, who offered prayers to the Holy Father,

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spoke as follows: "Two years ago, almost on this very day, I had the honor of presenting, along with a group from Toulouse, the pilgrimage of French workers to Your illustrious Predecessor. At the end of that unforgettable audience, Pope Leo XIII blessed us; and then, before departing, addressing all of us in my humble person, he said, in a strong voice: 'And when will you return?' 'Holy Father,' I replied, 'we will return in two years, on the feast of the Immaculate Conception.' This promise was not only made to Pope Leo XIII, but to the Pope himself. Therefore, Most Holy Father, we have arrived at the appointed time; a good Frenchman never fails to keep his word, and a bishop never shrinks from any obstacle when it comes to fulfilling his commitments. To this duty of fidelity is joined the powerful attraction of a first visit to the newly elected Vicar of Jesus Christ. We were so eager to behold His august features, to deposit at His feet the tribute of boundless veneration, of unwavering obedience, and of a love worthy of all sacrifices. Finally, in the trials that afflict France and the Church at this moment, it seemed to us that our hearts would truly find peace only when, on this day of filial piety, it would be granted to us to hear from Your Holiness the words that comfort and that give hope, a courage that has been lacking for so long. As Peter said to our Savior, Jesus Christ: 'To whom shall we go? You have the words of eternal life.' Your words, like those of the Master, are spirit and life. We, Catholics of France, young and old men and women, men of study, pious women, priests of the Lord, are prostrated before You..."

[*Latin ed. p. 151*]

We thank you, Monsignor, for having graciously accepted the leadership of this pilgrimage and for having expressed to Us, in such noble terms, the sentiments that animate the Catholics of France. With hearts filled with overflowing joy, we affirm our unity of heart, mind, and will with the infallible Pope, the Vicar of Jesus Christ, firmly resolved to remain with him in the stability of the same faith, the same hopes, and the same charity. We all lament with bitterness the evils that afflict religion in our country, and we earnestly pray for the day when France will return to the great principles of order and liberty, the foundation of all social and religious order, and the source of true prosperity. The workers present here are, above all, Christians: they claim adherence to the doctrine of He who, though God, willed to become a worker for our sake. Instead of seeking to improve their lot through revolt and disorder, they place their trust in the promises of the Gospel and their happiness in the practice of the virtues that it recommends. Alongside the workers are Christians and Christian women belonging to all ranks of society. There is not one among them who is not filled with a respectful tenderness for Your Holiness, disposed in all submission, ready for all sacrifices to support the benevolent actions of their Sovereign Pontiff in the world. As is their duty and honor, the priests

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who accompany me claim the first place in fidelity to the Holy See, in adherence to its teachings, in full and complete adherence, today, tomorrow, and always, to the orders that will come from him whom they recognize as their Chief, and whom they venerate as the Vicar of Jesus Christ, of whom they are the ministers. As a humble inheritor of one of the most noble Sees of France, I am happy to present myself for the first time before You, adorned with the glories of my Church, the merits of my illustrious predecessors, the wisdom and virtue of a clergy that is my crown and my joy, and by religious communities whose scattered members are gathered by the piety of a grateful people. May these tributes, and that of my heart which is with You, bring some solace to Your soul, which is so afflicted by the bitter sorrows and the imminent death that afflict the Church at this hour. But since we must renounce fully consoling Yourselves in such evils as those that afflict the Church at this hour, we place our trust in the Most Holy Virgin Mary, whose glorious feast we have come to celebrate. It is upon her maternal lips that we deposit the prayer of our hearts.

[*Latin ed. p. 152*]

"My dear pilgrims, we cannot express to you how pleasing to Us is the tribute of your fidelity and devotion. You manifest this fidelity and devotion not only with words, but with deeds: you heed, even at the cost of considerable sacrifices, the recommendations of Our venerated Predecessor, who desired to see, each year at the Vatican, representatives of the working class of France. We are pleased that you put into practice, in Christian popular action, the teachings of the Holy Fathers, imploring the souls of the departed to send their powerful aid at opportune times to France in distress, to the Church which implores them, and to their august Head, our beloved Father, who has received the mission to guide us here below and lead us to Heaven."

Then, the Reverend Father added: "For the Commission, Very Holy Father, fourteen Leo Harmel adds these words: Father, for the fourteenth time, the pilgrimage of the working class of France lays at the feet of the Vicar of Jesus Christ the tribute of its unwavering fidelity and filial devotion. Following the desire of Your Predecessor, of our venerated and most beloved Mother, we strive to make these annual pilgrimages a national custom, in order to achieve a closer union between France and the Papacy. Among our pilgrims are 585 workers and female workers, who earn their living through their labor. They are accompanied by a large number of priests, many of whom dedicate themselves to the missions to bring them back to Jesus Christ. We know with what care Your Holiness encourages Christian popular action, or Christian democracy. Your teachings and Your guidance are and will be for us the certain guides of the path to follow. France, true France, loves You always, Most Holy Father, and with a truly filial fervor. Nothing will separate her from the Vicar of Jesus Christ. The

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centuries-old bonds that unite them will not be broken by any human force. France knows that she owes her prominence in the world to the Catholic Church, and that her decline would be the consequence of her apostasy. Therefore, speak, Most Holy Father; our hearts are subject to You. In our beloved homeland, the souls tremble at the voice of the Pope, who for them is the voice of God."

[*Latin ed. p. 153*]

Allocution 153. Apostolic See, which are those very things found in the Gospel of Our Lord Jesus Christ. Our satisfaction increases even more because, as We are assured, you take as the foundation of all your works the holy fear of God, the observance of His divine law, the practice of Christian virtues, and the frequenting of the Sacraments. — Be thoroughly convinced of this, most beloved sons: if the Lord does not build the house, it is in vain that those who lay stone upon stone labor to build it; if the Lord does not guard the city, it is in vain that the watchmen keep watch to defend it against the threats of the enemy, and all labor is fruitless without the blessing of God. Descendants of those sons of France who were faithful to the Church, devoted without reservation to the Chair of Peter, always ready to defend and spread the truth and the good, do not be degenerate heirs. Through the difficulties and sacrifices that you must especially face today, always be generous, with the certainty that in this way you are working not only for your own happiness, but also for the prosperity of your homeland. Indeed, history proves this: the times when France attained the splendors of glory, when she bestowed upon her children the purest joys of peace, and the advantages of true prosperity, were those in which she heeded the salutary counsel of the Church. Under the banner of this Church, which led her to victory, she deserved the glorious title of eldest daughter of the Church, and she exercised throughout the world the benefits of her influence. The Church has always been happy to lovingly applaud this glory. Must We repeat this to you, most beloved sons? This love of the Holy See for your country is always, and despite everything, alive in Our heart. And if it is necessary, We will again accept suffering to ensure the good and the greatness of your homeland.

[*Latin ed. p. 154*]

Instructed by the lessons of the past, enlightened concerning the dangers of the present, and inspired above all by the precepts of your faith, may you always remain more closely attached to the Church and the Apostolic See, thereby assured of attaining true prosperity. — By this means you will bring down upon your homeland the blessings of Heaven, and you will hasten the return of days less sad and less troubled. In this hope, and as a pledge of Our affection, We wholeheartedly grant the Apostolic Blessing to your venerable Bishops, to your clergy, to yourselves, to your families, to

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your institutions, and to all of France.

PIUS PP. X

ALLOCUTION of Pope Pius X to the French Association of Young Men of "Sillon," commending their strength in faith and in action (i). Whenever the authors of the inspired books speak of young people, their words are filled with af(i)fection. His Holiness, having deigned to read the letter of the Most Reverend Monsieur Sangnier, President of the "Sillon" Association, concerning the "Allocution Sillon," responded as follows: "Most Holy Father, the anxieties of France have not extinguished hope in our hearts. The new generations that are entering life will finally realize that the joys of fraternity and social justice cannot become a reality without the divine strength that Christ came to bring to the world. The democracy that we wish to establish imperatively requires Catholicism to clarify, strengthen, guide, and discipline its aspirations. Therefore, Most Holy Father, in the name of all the groups of the Sillon spread throughout France, in the name of the thousands of young men who have dedicated their lives to this task of apostolate and of conquest, we proclaim openly our attachment and our inviolable fidelity to Christ and to His Church.

[*Latin ed. p. 155*]

Address 155: [Regarding] fervor and enthusiasm. Without pausing to indicate so many other passages from the Holy Scriptures that we could cite, we find a striking example in the words that the disciple of love once addressed to a society of young men: "I write to you, young men, because you are strong, that the word of God may abide in you, and that you may have overcome the evil one" (1 John 2:14). And the Gospel tells us that Jesus Christ, after conversing with a young man, looking at him, loved him (Mark 10:21). Well, dear young men, these same sentiments of the Divine Redeemer fill Our heart after having heard the address so full of affection that you have made to Us. We desire to be, among all, your most respectful and most religiously obedient sons. We have no unjustified pretense of soliciting from Your Holiness an exclusive preference for the methods proper to the *Sillon*, nor a formal confirmation of our confidence in the future of democracy in France. We merely wish to declare before you that we know that no human goal, no particular preference, must ever dominate the divine necessities of the great religious unity of the Catholic Church. We also wish to affirm that nothing is better suited to fully respect the holy freedom of the children of God than the official hierarchy of the Church, which derives its very powers from its divine Founder, and which, placed as a beacon before the passing centuries, dominates human contingencies and welcomes all its children with an equal heart. We come to you, not only as to the visible Head of the religion that we profess, but as to the

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most beloved Father who consoles and encourages. We shall return to our homeland better armed for the struggle, stronger, and as if invincible. May You, Most Holy Father, not despair of our strength; may no power succeed in denouncing the relations between the Pope and France, for it is the very heart of our homeland that inextricably binds it to the Church of God. We thank you for your welcome, and, with God's help, we wish to prove to you that you have not been mistaken in trusting in the effort of the young Catholics of the *Sillon*, who will offer to Christ the French democracy."

[*Latin ed. p. 156*]

An address has been presented; and since you have demonstrated the capacity to conceive such noble thoughts, and have shown yourselves capable of such generous actions, allow Us to say that We love you, and that henceforth, each of you may consider Us not only as a father, but as a friend. We rejoice in the good that you do, and in that which you will still do, with the grace of God, by expanding your ranks and by exercising a truly fruitful apostolate among your companions in age, in study, in profession, who are not yet among you. We will refrain from specially recommending to you the practice of virtue and piety, and the fear of the Lord, for We know that these exhortations are not necessary to you, convinced, as you are, that the foundation of every good work is the holy fear of God. But rather, with the very words of Saint John, the youngest of the Apostles, We renew the expression of Our joy because "you are strong," *fortes estis*. – Yes, it requires strength and courage to maintain the faith when so many others lose it, to remain devoted sons of the Church when so many others fight against it, to preserve the precious treasure of the word of God when so many others have banished it from their souls. It requires strength and courage to overcome oneself, to subdue one's own passions, to remain faithful to truth and virtue, and to overcome the spirit of evil which deceives the world through lies. – While We therefore rejoice in your strength, We exhort you, in your works and in your struggles, to place your trust not in your own efforts, but in the all-powerful God. Do not fear, even if you are still few in number. Remain faithful to your banner, and the promise of the Gospel will be fulfilled.

[*Latin ed. p. 157*]

From the Secretariat of State: It will be accomplished in you, and you shall reign. "Fear not, little flock, for it hath pleased your Father to give you a kingdom." Do not be discouraged if not all those who profess the same Catholic principles always unite with you in the use of methods that aim at a common goal for all, and which all desire to achieve. The soldiers of a powerful army do not all use the same weapons nor the same tactics; however, all must be united in the same endeavor, maintain a spirit of fraternal cordiality, and obey promptly the authority that directs them.

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May the charity of Christ therefore reign among you and the other young Catholics of France. They are your brothers; they are not against you, but with you. When your forces meet on the same ground, support one another, and never allow a holy rivalry to degenerate into opposition inspired by human passions or by petty and low ambitions. It is sufficient that you all have the same faith, the same mind, the same will, and victory will be given to you. Receive as a pledge the Apostolic Blessing.

PIUS PP. X

FROM THE SECRETARIAT OF STATE

Agreement between the Holy See and the Government of Spain regarding Religious Orders (i).

His Holiness, Pope Pius X, and His Most Catholic Majesty, King Alfonso XIII of Spain, in order to clarify doubts (i), on the 2nd of June, 1904, the Government of Spain presented before the Senate...

[*Latin ed. p. 158*]

From the Secretariat of State, concerning the legal status of religious Orders in Spain, and regarding the interpretation and scope that must be given, in this matter, both to the articles of the Concordat currently in force, and to the provisions of the law on associations of June 30, 1887, and to the authorizations granted to the Orders and religious houses existing, as well as to the decisions made by various governments on this particular issue, it has been resolved to conclude an agreement, and for this purpose, plenipotentiary representatives have been appointed:

His Holiness the Supreme Pontiff: His Eminence, Most Reverend Monsignor Aristide Rinaldini, Archbishop of Heraclea, Grand Cross of the Royal Order of Charles III and of Leopold of Belgium, Apostolic Nuncio in the Kingdom of Spain, etc.

His Most Catholic Majesty, the King of Spain: His Excellency, Don Faustino-Rodríguez Sampedro, Grand Cross of the Royal Order of Charles III, etc., Senator for life of the Kingdom, Minister of State, etc.

These, after having exchanged their full powers, which were found to be in good and due form, have established the following articles:

Article I. The religious Orders and Congregations existing in Spain on the date of the ratification of this agreement, and which had fulfilled, before that date, the formalities established in the Royal Circular Ordinance of April 9, 1902, shall enjoy the legal personality that they currently possess; they shall be considered included in the exception established in paragraph I of Article 2 of the law of June 30, 1887, and shall be governed according to their own rules and discipline, and according to the provisions of this

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same agreement.

e r probandam legem ratihabentem dem, subscriptam Matriti die culorum in Concordati Hispania (N. R.). vigentis, Conventionem initam inter Hispaniam et S. S e - 19 c. m. circa modificationem nonnullorum artirelate ad statum iuridicum Ordinum Religiosorum

[*Latin ed. p. 159*]

From the Secretariate of State, article 5, paragraph 2. Religious Orders and Congregations shall not be entitled to any subsidy or assistance from the State budget; they shall be subject, with regard to their canonical regime, to their respective Ordinaries and prelates, according to the rules of their statutes and the provisions of canon law and ecclesiastical discipline in force, and, with regard to their relations with the civil authority, to the general laws of the kingdom. In case of disagreement, the Holy See and the government of His Majesty will agree amicably to resolve any difficulties that may arise. Article 3. The houses or convents of said Religious Orders and Congregations shall be subject to the taxes of the country for their property or for the professions and industries they practice, under the same conditions as other legal entities or Spanish subjects, and shall not be the object of any special taxation or exemption. Article 4. The houses and convents which, on the date of ratification of this agreement, are establishments of the Religious Orders and Congregations referred to in Article I shall be maintained; but no other shall be opened or established where communal life is practiced without the prior consent of the diocesan bishop and without authorization granted by royal decree. These authorizations shall be obligatorily published in the Gaceta de Madrid. Article 5. The houses or convents of Religious Orders and Congregations in which there are fewer than twelve persons leading communal life shall be suppressed; their religious or religious shall join other convents or houses of the same Order and shall place the establishments and properties in which they were located at the time of their suppression at the free disposal of their superiors. Excepted from the foregoing obligation are religious communities where communal life is not practiced, or which, by virtue of E R.

[*Latin ed. p. 160*]

160 From the Secretariat. Their status, dedicated to works of charity, teaching, and the care of the sick, the elderly, the poor, and the abandoned, as well as the houses of retreat and sanatoriums that various Orders and Congregations may maintain in special places. This article shall have full force and effect six months after the publication of this agreement in the *Gaceta de Madrid*.

Article 6. No new Order or new Congregation shall be established in Spain without the authorization of His Holiness and without a prior agree-

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ment between the government and the Holy See, recorded in a royal decree published in the *Gaceta de Madrid*.

Article 7. The Order of the Brothers of the Christian Doctrine shall continue to exist in the same conditions, with the same rights and benefits that it currently enjoys.

Article 8. As for associations constituted for a religious purpose, whose members are not united by the bonds of religious profession and do not have common life, and which, therefore, do not have the character of a religious Order or Congregation, it is understood that, without prejudice to the authority that belongs to the bishops in their spiritual and religious direction, they shall be governed by the general law of associations and the principles of common law, without any restriction, either now or in the future. They must be registered in the special registry mentioned in Article 7 of the aforementioned law of associations of June 30, 1887, and comply with the other provisions of the same law.

Article 9. Foreigners shall not be able to establish religious Orders and Congregations in Spain as referred to in Article 1, unless they have previously been naturalized in the kingdom in accordance with common law. Religious who, while maintaining their legal status as foreigners, enter or reside in any existing monastery or religious house.

[*Latin ed. p. 161*]

From the Secretariat of State, number 161, in Spain, shall be subject to all the provisions of the common law in force with respect to foreign subjects. Article 10. A special register shall be opened in the Ministry of Justice, in which shall be recorded the Orders and Congregations religious to which this agreement pertains, and those which, in accordance with an agreement between the two powers, shall be established in the future. Article 11. The Ministry of Justice, in agreement with the Council of Ministers and also with the Holy See, shall enact the regulatory and clarifying measures that may be required for the execution of this agreement with respect to the Orders and Congregations religious established or which shall be established with the common consent of the two powers. Article 12. The exchange of ratifications of this agreement shall take place in Madrid as soon as possible. In witness whereof, the respective plenipotentiaries have signed this agreement and have validated it with their seals. Madrid, June 19, 1904. L. ″f″ S. f A. RINALDINI, Archbishop of Heraclea, Apostolic Nuncio. L. ″f″ S. FAUSTINO-RODRÍGUEZ Acta S. Sedis, Vol. XXXVII. fase. 3. SAMPEDRO, Minister of State. 11

[*Latin ed. p. 162*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION. Concerning the formula for baptism in the Gilbertese language.

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Most Blessed Father, the Apostolic Vicar of the Gilbert Islands in Oceania, prostrate at Your feet, presents certain questions to be resolved concerning the validity of two formulas for baptism in the vernacular language of those Islands. The entire difficulty lies in the fact that the Gilbertese language has no word to express the idea of sanctity; therefore, some word must be adapted to designate the Holy Spirit in the vernacular formula used by catechists in administering baptism. In the first formula, the Holy Spirit is expressed by "Tamnei-ave-Navirvi," literally "Good Spirit." In the second, by "Tamnei-Tapu," literally "Sacred Spirit" or rather, "Consecrated Spirit."

With these matters presented, the following questions are asked:

I. Which of these two formulas should be used in the future by catechists in administering baptism?

II. And to the extent that they are found to be invalid, should those baptized with either of these formulas be absolutely rebaptized, or under what condition?

On Thursday, the 13th of April, 1904, in the General Congregation of the Sacred Roman and Universal Inquisition, before the Most Eminent and Most Reverend Cardinals, General Inquisitors, after the aforementioned questions were presented, and with the vote of the Most Reverend Consultors having been heard, the same Most Eminent and Most Reverend Fathers were commanded to respond:

To I. Those baptized with either of the following formulas are not to be troubled.

[*Latin ed. p. 163*]

From the Sacred Congregation of the Holy Roman and Universal Inquisition, it is to be understood that catechists are to be instructed to use, setting aside any other formula, only the formula on page jo: "I baptetiko n avan te Tama, ao te Rati, ao te Tamnei - ave-Ravi-roi," which is given in the catechism itself, and that nothing is to be altered concerning it. Missionaries, however, are always to use the Latin formula in administering baptism, never the vernacular. On the following Thursday, the 14th day of the same month and year, during the usual audience granted by His Holiness, Pope Pius, by the divine providence of the Most Holy Father, the Reverend Father, Assistant, the Most Holy resolution of the Fathers was approved. Signed, L. S. I. Can. MANCINI, Notary of the Sacred Roman and Universal Inquisition. A Bishop, in the absence of a General Vicar, cannot validly delegate other ecclesiastical persons to the execution of matrimonial dispensations. Most Blessed Father, The Bishop of N..., humbly prostrate before the Throne of Your Holiness, reports that, having been without a General Vicar for several years, both due to the lack of suitable candidates and due to a lack of resources, during the time in which he

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was compelled to be absent from the See, he delegated first his diocesan Delegate, and then the fiscal procurator of the Curia, with an order to sign the acts by special mandate, for the execution of matrimonial dispensations. Subsequently, doubts arose concerning the validity of such a delegation, and consequently of the dispensations granted, and he asked the Holy Penitentiary if such dispensations were valid or not; and the Holy Penitentiary responded negatively. With this in mind, he desires to know if such a response is contrary to another resolution issued by the Holy Office on December 14, 1898 (1). (1) (Latin Version). The Bishop of the diocese of N..., humbly prostrates himself before the Throne of Your Holiness.

[*Latin ed. p. 164*]

From Session 164, Sacred Congregation, Thursday, May 31, 1904. In the General Congregation of the Sacred Roman and Universal Inquisition, before the Most Eminent and Reverend Cardinals, General Inquisitors, regarding the aforementioned doubt, and after considering the opinion of the Consultors, the same Most Eminent and Reverend Fathers were ordered to respond as follows: The aforementioned response of the Holy Penitentiary does not contradict the resolution of the day of the Feast of the Purification, December 14, 1898; for that resolution concerns the case where, for some years past, a Vicar General was lacking, either due to the absence of a suitable subject, or due to a lack of funds, during the time of his absence from his proper See, with regard to the execution of matrimonial dispensations, he delegated his first diocesan Delegate, and then the fiscal Procurator of the Curia, with the faculty of signing acts under a special mandate. Subsequently, when a doubt arose concerning the validity of this delegation, and therefore of the dispensations granted, he requested the Holy Penitentiary whether the validity of such dispensations was maintained or not; but the Holy Penitentiary responded negatively. With these matters established, it was desired to know whether this response contradicted the other resolution issued by the Sacred Office on December 14, 1898.

(1) There are two kinds of delegation that the Apostolic See usually grants to Bishops. One confers the true and proper power to dispense, and it is held when the Supreme Pontiff commits to a Bishop the jurisdiction to know of a certain cause, to judge it, and to demand the execution of the sentence. Then, according to the Decretals, "the Delegate of the Pope can subdelegate" (Lib. I, tit. 29, c. 43); and this also pertains to the supreme power," as Pirhing states (Lib. I, tit. 29, sect. 1, § 2, n. 4), which all Doctors follow. This doctrine is further confirmed by the aforementioned Decree of the Sacred Office of December 14, 1898 (Cf. Acta S. Sedis, vol. 31, p. 635), which openly declares that "the diocesan Bishop can not only delegate to Vicars General, but also to other ecclesiastical persons, the powers which have been delegated to him for a time by the Apostolic See... regularly to." Therefore, it is permissible for the Bishop to delegate to a priest, with

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good reason, the jurisdictional powers granted to him by the Apostolic See. Otherwise, it must be said that we are dealing with a different delegation, which imports only a pure ministry, without any jurisdiction. In this case, the Pope has already known the cause, has judged it, and commits to the Bishop only the execution of the already given sentence or judgment. Indeed, the aforementioned Decretal of Gregory IX (loc. cit. 2) states: "No one to whom (for what has been committed to him, namely by the Apostolic See), shall excommunicate, or absolve anyone, dispense with irregularities, or impose penances."

[*Latin ed. p. 165*]

From the Most Holy Congregation of the Holy Roman Church and Universal Church, this constitutes the true and proper power to grant dispensations. On the following Thursday, the 2nd of the same month and year, during the customary audience of His Holiness, Pope Pius X, by the grace of God, the Most Holy resolution of the Fathers of the Roman and Eastern Churches was approved by the Most Holy Father.

L. S. Can. MANCINI, Secretary of the Holy Roman Church and Universal Church.

"It is permissible to demand this of others henceforth, because it is not a ministry of jurisdiction that is assigned to them (or a bare ministry), but rather, in this matter, they are entrusted with a task."

Pirhing (loc. cit., n. 12) states: "And it is the same, even if a similar bare ministry or execution of a task is entrusted to another, because the reason for the disposition, as expressed in the law or canon, establishes that the same right must be established in specific cases, even if they are not expressly mentioned; and therefore, the cases expressly mentioned in the cited section are merely examples, because the reason stated therein applies to all similar cases, and therefore, the same disposition also applies."

Pirhing (loc. cit.), further explaining the reason for this disposition, writes: "The reason why a delegate of the supreme Prince (or Pope) can delegate jurisdiction to another, but not a bare ministry or execution, is because in a judicial matter, according to public laws, it is necessary to proceed according to the law, and therefore, it is of little importance who is appointed as the judge, as long as he is an expert in the law. But in a bare ministry or execution, industry and experience are more important than the authority of the person; therefore, the Prince, when entrusting a bare ministry or execution to someone, often pays attention to the industry of the person, and considers that person to be the one chosen."

Such a delegation, involving a bare ministry, takes place in matrimonial dispensations, which are granted by the Holy Penitentiary or the Datary, and the execution of which is usually entrusted to the Ordinary. According to the Instruction of the Sacred Congregation of the Holy Office of February

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20, 1888 (Cf. Acta S. Sedis, vol. 20, p. 543), the Ordinary, according to the same Instruction for the diocese, is the Bishop and the General Vicar or Official; and therefore, the Bishop alone can entrust the execution of such matrimonial dispensations to the General Vicar, and not to others, even with a special mandate, under penalty of nullity of the delegation, as well as the dispensation itself. Pirhing (loc. cit., vol. ed. p. II, 2, 454) and (N* R-)- also state this.

For further information, consult Emum Gennari (Consultatione).

[*Latin ed. p. 166*]

From the Sacred Congregation of Bishops and Regulars, of the Holy Jacob of Chile, concerning jurisdiction: Regarding the right to passive patronage of a certain chapel, as well as the administration of goods belonging to said chapel and the affiliated pious work.

Facts of the case: Franciscus Ruiz Tagle y Portales, who was already President of the Republic of Chile, bequeathed by his will, dated March 20, 1860, a legitimate portion of his possessions, which should have belonged to his pious daughter of the monastery of Saint Rose, to his wife for the use and enjoyment thereof, and after her death, to his son, a priest, the local curate; both, however, were obligated to provide for his daughter, whenever she wished to leave the monastery, with whatever was necessary for a virtuous life. Upon their deaths, he decreed that a school and a chapel should be established from these goods, the chapel to be served by a cleric who was poor and in need of ordination from his family; and the Archbishop, for the time being, would be the patron and chaplain, if no cleric met the aforementioned conditions. Therefore, after the testator's death, both his wife and his pious daughter passed away. According to the statutes of the foundation, the usufruct should have been transferred to the priest, Joachimus. However, because the Chilean law invalidated the transfer of successive usufructs, the civil court rejected the aforementioned priest from the usufruct, and decreed the immediate establishment of the school and chapel.

The chapel was therefore founded. The priest, Franciscus Xaverius Ruiz Tagle, being poor and a descendant of the founder, petitioned Archbishop Saint James to appoint him to the chapel. However, the diocesan curia opposed his request.

[*Latin ed. p. 167*]

Saint James of Chile, on September 27, 1901, denied the petition, because the chaplaincy was established for clerics being promoted to the sacred orders, and not for those already ordained. From this judgment, the aforementioned priest appealed to this Sacred Congregation, demanding passive patronage over the disputed chaplaincy, as well as the administration of the goods belonging to the chaplaincy and the pious works attached to

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it. Allegations of the Plaintiff. The plaintiff seeks to defend his right with several arguments. Firstly, he asserts that the testator established a legitimate share for the daughters for the erection of the school and chaplaincy, and that he intended it to be one and indivisible, of which half of the fruits would be given to the school, and the other half to the chaplaincy. Indeed, he says, it is clear from the founding documents that, after the death of those designated, "those goods are designated for half of the fruits to be used for the school, and for the other half for the establishment of the chaplaincy." Therefore, the testator did not intend to establish two entities independent and separate from each other with regard to the administration of the patrimony, but rather two foundations existing from the fruits of a single patrimony and subject to a single administrator. Furthermore, since the testamentary disposition states that "legitimate descendants of the testator must oversee the preservation and prosperity of the school, and must ensure the perpetual celebration of Masses," it follows that the properly instituted chaplain also has a right to oversee and administer the goods pertaining to the school. Secondly, the priest Tagle observes that the foundations, of which we are speaking, were decreed by the testator to be effective from that time forward, namely, after the death of his wife and children, believing that after the death of his wife, his son Joachim could freely use the fruits of the goods. Therefore, since civil laws invalidate successive usufruct, and the priest Joachim was denied this, there is nothing to prevent the legitimate descendants of the pious testator, who meet the required conditions, from having the right to have chaplains and administrators appointed while Joachim is alive, as patrons.

[*Latin ed. p. 168*]

From the Decrees of the Sacred Congregation for Bishops and Regular Canons, concerning the foundations, it is to be expected that Joachim will die, according to the Archbishop's judgment. The advocate, recalling the words of the testator, argues that the foundation of the chaplaincy was established as a benefit for priests who were legitimately of the founder's lineage, and who were in need thereof, according to the judgment of the Archbishop, as a suitable canonical requirement for receiving the sacred orders. Therefore, no right arises for the Prelates to nominate whomever they deem suitable for the benefit, but only the obligation rests upon them to ensure that those competing for the chaplaincy fulfill the required conditions. Thus, if the priest Tagle, with the consent of the Archbishop, presents the established conditions, he cannot be excluded from the benefit except through injustice. It does not impede that the plaintiff, having already been ordained, may not require a suitable canonical requirement for ordination, and that the testator's will, granted to him through the chaplaincy, may be disregarded. For the correct interpretation of the founder's mind must be made through consultation with the other parts of the testament. Oth-

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erwise, no benefit would ever be conferred upon a priest, since it would always have to remain vacant until someone of the founder's lineage is found who requires a suitable canonical requirement in order to ascend to the priesthood. However, the fact that the plaintiff is already ordained does not invalidate his right to obtain the chaplaincy. Although the testator's intention is evident, his interpretation must not be neglected. Indeed, how can the testator's will be conceived to benefit only those of his lineage who, at the very time of their ordination, can obtain the chaplaincy? If this were the case, the testator would have established the benefit in vain; for it rarely happens that someone is promoted to the sacred orders when a chaplaincy is conspicuously vacant. On the other hand, a cleric who is ordained but lacks a title sufficient for honest sustenance remains evidently in the same condition in which he was before ordination, namely, in need of a benefit in order to be properly supported. This is precisely the case with the priest Tagle.

[*Latin ed. p. 169*]

The endowment of Saint James of Chile must be mentioned, the title of which is not only insufficient, but also precarious, since it was established precariously by the uncle of the founder, namely, until a chaplaincy should be erected. Furthermore, at the time when the priest Tagle received the sacred orders, the chaplaincy was not yet established; therefore, for reasons entirely outside of his own will, the right that belongs to him is unjustly contested. Moreover, since no one else from the founder's family seems to be inclined towards the clerical state, the priest Tagle has no opponent whatsoever except the Archbishop himself. Finally, it is noted that the possession and administration of the goods of the chaplaincy and school pass to the Ordinary for the time being, only in the case in which no one is found from the founder's family who would fulfill the established conditions and maintain the chaplaincy. And this, besides the explicit declarations of the founder, is also confirmed by civil law, according to which, if the goods of the chaplaincy exceed the part assigned, which is called "disponible," they must pass to the legitimate successors of the founder, rather than to the Archbishop. Therefore, the priest Tagle, contesting that the possession and administration of the pious work have been adjudged to the Ordinary by the sentence of the civil court, and noting that the priest Joachim cannot obtain the chaplaincy, because he is wealthy, claims that all the possession and administration of the goods are due to him, as the nephew of the founder, without any other opponent, and that he is rightfully endowed with a precarious and insufficient endowment for honest support. The Allegations of the Archbishop. First, the Ordinary, Saint James, refers to the very testamentary clauses, from which it is clear that the chaplaincy was to be established not from the goods of the daughter of the nun, but only from half of the fruits of those same goods. Thus, the words of the founder

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sound: "These goods are designated for the establishment of a school, for the other half for the celebration of Masses perpetually." Therefore, the founder did not designate the very goods for the chaplaincy, but only half of the fruits thereof.

[*Latin ed. p. 170*]

From the Sacred Congregation, the erection of this religious house was assigned to the bishops, but the fruits of the goods, which the chaplain or patron may indeed obtain, are not, in any way, to be considered as belonging to them. Furthermore, the archbishop noted that the testator had specifically named individuals to whom the possession and fruits of the goods should be transferred, namely, a son who was a priest and a daughter who was a religious; therefore, no right whatsoever could belong to the chaplain or patron to acquire the chaplaincy except after the death of these individuals. The testator indeed wished that the erection of the chaplaincy should take place as soon as possible after his death, from which it appeared that the death of Joachim was not to be awaited; but since he had stipulated elsewhere that his son, Joachim, should enjoy the fruits of the chaplaincy's goods during his lifetime, it follows that the testator designated his son as the first patron and chaplain. Therefore, the insistence of the plaintiff appears premature for this reason, and is not based on any legal foundation. Moreover, the plaintiff, as the orator argues, has no right to the disputed chaplaincy after the death of Joachim, because he lacks the essential condition imposed by the testator, namely, that he must be in a state of poverty and in need of the benefit in order to obtain ordination. Therefore, unless the words and intentions of the testator are disregarded, and the right is taken away from any other member of the testator's family who is poor and in need of the chaplaincy in order to pursue the priesthood, the plaintiff's claim must be rejected. Furthermore, the testator, when establishing ecclesiastical prelates as judges regarding the true necessity of the chaplaincy in the cleric requesting it, undoubtedly intended to prevent the possibility of contention regarding the granting of the benefice. Therefore, since no one among the testator's relatives is found to possess the necessary conditions, the Archdiocesan Court justly remained in possession of the aforementioned chaplaincy, because the priest Joachim himself, due to the Chilean law invalidating successive fruits, was rejected from the usufruct by the civil court. Finally, the Ordinary recalls that he has fruitlessly sought administration.

[*Latin ed. p. 171*]

The endowment of the chapel of Saint James of Chile, pertaining to the goods, is denied. Although in the first part of the testamentary disposition, a condition is placed that the usufruct of the benefice should pass to the Archbishop, nevertheless, in the second part of the same article, which

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establishes the Ordinary as the patron and chaplain, when the descendants of the testator do not require the chaplain to be ordained, no condition is imposed. Therefore, the right granted to the Archbishop by the founder is confirmed by the civil court as well, since the Ordinary was called to the foundation and enjoyment of the pious work, precisely according to the tenor of the second part of the testamentary clause, although, according to the first part, he was excluded from all usufruct. Furthermore, it should be noted that, once the judgment has passed into a res judicata, any subsequent judgment to the contrary, according to Chilean civil laws, would have no validity, and therefore, any further acts of the priest Tagle would be null and void. Doubt. Does the priest Francis Xavier Ruiz Tagle have the right to the passive patronage of the chapel of Tagle, as well as to the administration of the goods pertaining to it and to the annexed pious work, in this case? Resolution. After carefully considering all matters, the Fathers gave the following response on June 26, 1903: To the first part, affirmatively; to the second part, affirmatively, under the prudent vigilance of the Bishop.

Collections:

1. The dispositions in a will regarding benefices must be strictly observed; however, the interpretation of the testator's will should not be disregarded if there is a reason to do so.

2. Whenever a cleric, being close to ordination, is called to a benefice, he cannot obtain it due to some external impediment, even if he is subsequently ordained; he is entitled to obtain it once the impediment is removed; provided that...

[*Latin ed. p. 172*]

172 From the Sacred Congregation of the Council: No one shall be considered to hold a right to a benefice if he ascends to the priesthood for the purpose of obtaining that same benefice. 3. In the matter of the priest Ruiz Tagle, although before ordination, while a case was pending before the civil tribunal, he could not obtain the chaplaincy; nevertheless, since he fulfilled all the conditions established by the founder, and no one was found from the testator's family who had received Holy Orders, the benefice was rightfully granted to him. 4. He who canonically holds the institution of a benefice also has the right to administer the goods pertaining to it; after the administration is completed, he is bound to render an account to the Bishop. 5. In this case, in addition to the administration of the goods of the chaplaincy, the chaplain Tagle is also granted the administration of the pious work, because they constitute one and the same patrimony, and both are maintained by the fruits thereof.

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FROM THE SACRED CONGREGATION OF THE COUNCIL OF AVERSA REGARDING THE REDUCTION OF A PENSION.

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The reduction of the pension is denied; the payment of the pension hitherto unpaid is condoned, and it is decreed that the "ricchezza mobile" [movable property] must be paid by the pensioner.

Case: By virtue of the Apostolic Bull of Pius IX of July 5, 1855, enforced by royal decree, a perpetual pension of 850 scudi was imposed on the then-vacant parish of Saint Andrew the Apostle in the city of Aversa, in favor of the poor clerical students, who previously had a separate establishment from the diocesan seminary. In the year 1860, at the request of the Bishop of Aversa, this college, together with all its goods and revenues, was, by a Pontifical Indult, aggregated and incorporated into the aforementioned Seminary.

[*Latin ed. p. 173*]

In Aversa, on the 3rd of July, the annual fixed pension of 850 livres, which had always been paid in full until the year 1889, was established. Meanwhile, the parish of Saint Andrew was assigned to John Saporito, the current pastor, who, believing that he was not obligated to bear this burden during the first two years, did not pay the pension. However, when the Seminary urgently required funds, he first petitioned the Ordinary and then the Sacred Congregation in vain for its abolition. Finally, an agreement was reached whereby the pastor would pay half of the pension to the Seminary, while the other half would be paid by the then-existing Bishop for various services rendered to him. Matters proceeded in this manner until the year 1897, when the current Bishop was appointed to govern the diocese. The pastor, Saporito, mistakenly believing that his pension had been reduced, maintained that he only owed half to the Seminary; on the contrary, the Seminary insisted on receiving the full amount. Therefore, the pastor appealed to the Sacred Congregation, requesting that the concession granted by the previous Bishop be confirmed. When questioned about his opinion, the current Bishop stated that the economic situation of the parish was better today than at the time the pension was imposed, since the revenues at that time were only 2061.97 livres, while today they are 2562.22 livres; furthermore, he proposed a settlement whereby the pastor would pay the full pension in the future, with the previously unpaid amount of 1600 livres being forgiven. The delegates of the Seminary accepted this arrangement, but the pastor, in addition to insisting on the forgiveness of the sum not yet paid, again insisted on a reduction of the pension to at least half for a period of ten years. Therefore, the proposed case had to be discussed in a general meeting of the Sacred Congregation, both regarding the reduction of the pension and regarding the past payments that had not been made; to which was added a new question concerning a tax, commonly called the "tassa di ricchezza mobile," which was to be paid, either by the pastor or by the Seminary. The rights of the Seminary. The patron of the Seminary

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stipulates a pension.

[*Latin ed. p. 174*]

174. From the Sacred Congregation, it is declared that the entire sum, as stipulated in the Bulla Piana, must be paid under pain of excommunication. Furthermore, the same applies to refuting the arguments presented by the parish priest. And indeed, the parish priest's first argument, namely that the pension of 850 livres is extinguished, because the "Convictus clericorum pauperum" (a fund for poor clerics), in whose benefit the pension was established, has been dissolved due to its incorporation into the Seminary; to this, the advocate responds that the "Convictus" has not been extinguished, but merely incorporated into the Seminary, and therefore the pension has not been extinguished, but has been transferred in favor of the Seminary. For it is clear from the fact that the Bishop of Aversa at that time requested the incorporation of the College of clerics together with the transfer of the pensions in its favor, and that the Sacred Congregation granted the Bishop the requested permission on June 1, 1860. Moreover, the advocate argues, the parish priest is mistaken in claiming that the Apostolic Constitutions of Innocent XII and Benedict XIII, which prohibit parish benefices from being burdened by pensions, are applicable; for in the Bulla Piana, the pension imposed on the parish of Saint Andrew is an exception to these Constitutions. Furthermore, the parish priest cannot maintain that the parish benefice has been obtained free from all pension obligations, because, the advocate argues, the parish was granted with all its rights and obligations, among which the pension is included; and moreover, the parish priest himself expressly acknowledged this when he presented it to the Fiscal authorities, in order to have a reduction in the commonly called "tassa di successione" (inheritance tax) applied to him. Furthermore, no reduction of the pension is to be granted to the parish priest on the grounds of expenses incurred due to changes in circumstances after the pension was imposed, which have greatly reduced the income of the parish; for the advocate argues, based on information from the Bishop himself, that the income of the parish today, even with the pension paid, is greater than it was at the time when the pension was imposed, without the pension being deducted. Finally, the parish priest resorts to a futile argument...

[*Latin ed. p. 175*]

In Aversa, on the 7th day of the month, concerning the aforementioned decree, it is stipulated that, when the revenue of a benefice is diminished due to increased taxes, the pension should also be proportionately reduced. Indeed, the decree, derogating from canonical law, then permitted the deduction of taxes from the pension, provided that equity dictated, when the revenue of the benefice, due to taxes, is less than it was at the time the pension was established; but if the revenue of the benefice has not

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been diminished for any reason, the pension must be paid in full, as justice demands. The author supports this first from a resolution of the Sacred Congregation, dated September 28, 1878, in Rome, concerning pensions, in which, in response to the question: "Whether pensioners should be reimbursed for the damage they have suffered up to now, based on the so-called 'tax on movable property' of the 13th of the month, for every hundred retained by the titular," the Sacred Congregation responded: "Regarding the years 1874-1875 inclusive, negatively; regarding subsequent years, affirmatively"; and this decision was confirmed on December 20 of the same year with the response "in the aforementioned and further." The reason for the decision was that the revenues of the Basilica of the Vatican had increased since the year 1874, despite the aforementioned tax, to the point that they equaled the revenues in the measure in which they were before the year 1871, when the decree *Cum nuperrimis* was issued. Secondly, the author supports this with the authority of Santi (*Praelectiones iuris canonici*, book 3, title 12), explaining it as follows: "Regarding this decree, I observe that its fundamental reason lies in verifying a notable or serious diminution of the revenue of the benefice; furthermore, in order to properly calculate this diminution, the status of the benefice at the time the pension was granted must be considered. Therefore, if, for any reasons or circumstances, a benefice has not suffered this diminution, the norm of the decree cannot be invoked by the beneficiary against the pensioner." However, as previously shown, the revenue of the parish of Saint Andrew has decreased since the pension was imposed; therefore, there is no basis for applying the decree.

(t) Cf. *Acta S. Sedis*, volume 7, page 325.

[*Latin ed. p. 176*]

From the Sacred Congregation, concerning the Council, the parish priest of Saporito argues for a reduction in his pension, claiming that it is necessary to make essential repairs to the church, for which there is no other way to provide, and which would amount to the sum of 4000 livres; but the patron of the Seminary, without examining the true necessity of these repairs, and since the Rector has not done anything at all since 1891, maintains that the parish priest can bear the cost of the repairs by increasing his income, which is now reduced compared to the time when he was burdened with the pension, or at least can resort to the Royal Treasury.

Then, the advocate, proceeding to the second point, argues that if no reduction is granted to the parish priest, he will be held, as it were, in a state of financial distress, unable to pay the already incurred pension, since the debtor's delay does not extinguish his obligation; and that no remission can be granted in this matter, since the parish priest, being fully aware that the entire pension is due according to the Bull, has acted in bad faith, and is therefore not deserving of any leniency.

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Finally, with regard to the third point concerning the so-called "tassa di ricchezza mobile" (tax on movable property), the patron argues that this must be borne by the parish priest; since the words of the Bull prescribe that the pension must be "for all time to come, and free, immune, and exempt from all burdens now imposed, and from any burdens that may be imposed at any time." Therefore, no deduction can be made from the pension granted to the parish priest, without him violating the express law of the Bull, and incurring the penalties established therein.

The Rights of the Parish Priest. The same advocate attempts to prove that at the time the pension was imposed, namely in 1854, the parish priest's income amounted to 2271.43 livres, while today it reaches only the sum of 252.82 livres. Therefore, the Bishop's calculation is erroneous, according to which the surplus at that time was 2061.97 livres, while today it is only 2562.22 livres; for...

[*Latin ed. p. 177*]

Aversa, 177. Praeter alia, Episcopus in parte exitus omisit expensas lib. 500 pro conductione domus parochialis, missae pro populo, pro cultu, pro manutentione aedificiorum, etc., quia putavit haec compensari ex incertis stolae et aliis lucris eventualibus, quae de facto, juxta testimonium cuiusdam Vice-parochi, libell. 30 non attingunt. Deinde patronus, ad probandum quod in themate notabilis pensionis diminutio est decernenda, affert in primis decretum *Cum nuperrimis*, diei 20 ian. 1871 editum a S. C. E. E. et R. R., in quo disponitur: « ut omissio vel diminutio redituum beneficiorum in communi beneficiarios ac pensionarios afficiat, nullo facto inter ipsamet beneficia ipsasque pensiones discrimine, ita ut praefatis reditibus imminutis vel omissis, habita proportione imminui etiam pro rata debeant aut cessare pensiones ». Pro ecclesiis vero cathedralibus seu mensis episcopalibus et pro ecclesiis parochialibus signanter praescribitur, ut in pensionibus persolvendis semper intacta manere debeat congrua ad formam Concilii Tridentini. Iamvero, urget advocatus, reditus paroeciae S. Andreae ita imminuti sunt, ut vix attingant annuam summam libell. 252.82; ideoque pensionis reductio est concedenda ad tramitem enunciati decreti, sive quia reditus sunt imminuti, sive quia ex eius solutione non manet integra congrua parochialis. Praeterea, prosequitur advocatus, duplex fuit scopus impositae pensionis, uti ex contextu ipsius Bullae apparet. Primus fuit ut indemnitas solveretur Seminario, qui habitationem concessit novo Convicto; alter vero fuit succurrere paupertati Collegii recenter instituti, in quo clerici tenuem pro victu summam pensitabant. Sed hic duplex scopus iamdiu cessavit: siquidem aedes Seminarii in praesentiarum sunt ampliatae, et omnes clerici eamdem menstruam summae quotam persolvunt, ergo et ipsa pensio cessare oportet. Praeterea in Bulla cautum fuit pensionem ita impositam

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censeri, ut paroeciae tali onere gravatae semper liberae maneant.

[*Latin ed. p. 178*]

§ 87. From the document of the Council, number 2256, and considering the circumstances, the advocate presents the following argument, which must be returned to him: that, according to the laws then in force in the Neapolitan jurisdiction, parishes could not be burdened with pensions exceeding one-third of their income. However, from the newly imposed taxes, the parish priest does not receive this income, but rather the remaining amount is very small, namely, document 252. Therefore, if the pension cannot be completely abolished, it must at least be significantly reduced; which is also suggested by the large and necessary repairs that must be carried out in the dilapidated church of St. Andrews. Furthermore, it is argued that the Seminary would suffer a serious and irreparable loss from the cessation or significant reduction of the pension. However, the advocate refutes this objection, noting that the financial situation of the Seminary is not such that it would be brought to ruin by this, just as it did not suffer irreparable damage from the cessation of a pension of the same amount received from the parish of Pascarola. Indeed, even if the financial ruin were imminent, a remedy would be available, namely, the application of the privileged tax, according to the decree of the Council of Trent (Session 22, chapter 18 on Reform), concerning certain benefits of the diocese in favor of the Seminary, which, according to the testimony of the royal sub-economus, have the same or even greater revenues than the parish of St. Andrews, and yet are not burdened with any pension towards the diocesan Seminary. Finally, the advocate promises further arguments to support his thesis, first, that in the edict concerning the vacant parish of St. Andrews, no mention was made of the existing pension, nor does it appear in the Bull granting the same parish to the priest Saporito; and finally, that the predecessor Bishop reduced this pension to half. Regarding the payments omitted under the title of pension while the dispute is pending, which amount to 1600, the advocate argues that they should be completely waived, either because the income is insufficient, or...

[*Latin ed. p. 179*]

Aversa, 179. Regarding the matter of the small sum mentioned in libellus 2, 5, 2, it is understood that this is either permitted by the current Bishop, or finally, due to the existing dispute and the urgent need for the restoration of the church. Finally, concerning the third point, the advocate noted: 1. That during the period of the parish's vacancy, the tax commonly called "tassa di ricchezza mobile" (tax on movable property) is not paid by the regional sub-economus, because, according to civil laws, this tax affects the person receiving the income; 2. That this tax has never been paid by the parish priest of St. Andrew's, nor is it paid by the Bishop of Aversa,

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whose income is also subject to a pension, supported by the Seminary; indeed, in the diocese of Aversa, the custom is that only those receiving pensions are burdened with this tax, and not those who are not subject to pensions; 3. That no legal recourse can be invoked by the opponents based on a Papal Bull concerning the pension tax, because that Bull refers to taxes that could arise according to the laws in force at that time, but not to this extraordinary tax, and for which, guided by equity, the decree "Cum nuperrimis" was issued by the Holy See. Doubts. I. Whether and to what extent there is room for a reduction of the pension imposed in the case of providing for the parish church of St. Andrew's, with the support of the Venerable Seminary. II. Whether and how there is room for the Seminary to provide for the payment of the income, under the title of a pension, which has hitherto not been paid in this case. III. By whom should the tax commonly called "ricchezza mobile" (tax on movable property) on the pension be paid in this case? Resolution. The Sacred Congregation of Councils, on February 27, 1904, considered it appropriate to respond to the proposed doubts as follows: To I. Negatively, in all cases. To II. Considering all the circumstances, and with the grace of a remission of 1600 livres, and with the understanding. To III. In the case in question, by the Seminary.

[*Latin ed. p. 180*]

180. From the Decrees of the Council, it is collected that ecclesiastical pensions, by their very nature, ought to be without burden, that is to say, free, immune, and exempt from all charges and taxes (1).

2. This general rule is modified in Italy, when a serious diminution of the revenues of benefices occurs due to usurpations and new burdens imposed by the civil government on the goods of the Church; then, by reason of equity, even the pensions should be reduced in proportion, according to the Decree *Cum uberrimis* (2).

3. However, this reduction of the pension cannot be invoked by the beneficiary against the pensioner, if the revenues of the benefice have not been notably diminished by any cause, or if they are, in fact, almost the same as they were at the time when the pension was established.

4. In the case of the parish church of St. Andrew, there has been no diminution of revenues since the pension was imposed; therefore, the requested reduction of the pension was denied to the aforementioned parish priest, to the benefit of the Seminary of Aversa.

5. Notwithstanding the above, the tax on movable property, commonly called *di ricchezza mobile*, levied by the Italian law, must be paid by the aforementioned Seminary, and not by the parish priest (3).

(1) Cf. Pyrrhus Angelis (Lectures, Book 3, Title 12), etc.

(2) Cf. Acta (3) from Corradus iuris (Canonical Practice, Holy See, Volume Beneficiaria, Book 3, Title 12, 7, pages 325 and 335; Book n. 6), 5, chap-

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ter 7, n. Santi (Lectures, also Volume 22), canonical law, section 11, page 400. The reason for the present decision must not only be sought, as some have written, according to the custom prevailing in the diocese of Aversa, by virtue of which the aforementioned taxes are commonly paid by pensioners, but also, and especially, because the pension itself, being directly and immediately burdensome to the beneficiary, or in this case, the parish priest, is subject to such burdens. Indeed, all taxes on the revenues of the parish are paid by the government, so that, in regard to itself, the pension is free. On the other hand, it can be said that the taxes imposed by the civil law, even those imposed on the usurper, are free and immune from all burden, and the Italian civil law, by imposing the tax commonly called *di ricchezza mobile*...

[*Latin ed. p. 181*]

Rome, 1810, October 6. Finally, although the debtor's delay does not extinguish the obligation itself, nevertheless, to the parish priest of Saint Andrew, it is graciously granted, with the assent of the Seminary officials, a remission of the omitted payments amounting to 1600 livres, under the condition that he expend these funds for necessary repairs to be made in the church.

ROME, CONCERNING REDUCTIONS AND TRANSLATIONS OF MISSES. A grace of three years for the reduction of Misses is granted, with a dispensation from the condition of the place of celebration.

Case in point: The priest Guido Latuile, in the year 1872, was assigned the chaplaincy of Ruga Mangiatordi, founded in the Collegiate Church of Saint Eustachius in Rome, with the obligation of celebrating 200 Masses annually, and with an annual stipend of 21470 livres. In the year 1900, he presented petitions concerning a mobile tax levied upon the pension, intending to pay the pension, but the tax imposed directly upon the entire sum differs from a tax that affects only the portion pertaining to the beneficiary. Hence, this latter, which burdens the entire benefit, is the one in question. Therefore, if the beneficiary refuses to pay both taxes, then, contrary to the rules of equity, he would have to pay the same tax twice! This doctrine is confirmed by the Regulars of Saint Gregory in Sedis/Vol. 32, p. [illegible]. The decision of the Holy Congregation of [illegible] (December 24, 1841) confirms this. Furthermore, in Fodiana, concerning question 2, it is asked: "Is the tax to be borne by the Bishop of Troia, or by the Fodiano?" (Cf. Acta eadem S. Congregationis, Acta Episcoporum et seu Troiana-Pensionis «An nova taxa vulgo di ric- vel Fodiano»). The response was: "The tax is to be borne by the Bishop of Fodiano," that is, by the pensioner. The decision of Saint [illegible], March 34, p. [illegible], again confirmed this on August 9, 1901 (Cf. 3g6). In effect, this tax, commonly called "dispositiones di ricetterà mobile super pen-sionem," is to be paid by the beneficiary; this is done for the greater security of the collection of the tax, since, civilly, the

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beneficiary may have the right of recourse against the pensioner to recover it.

These things are said with the understanding that a better judgment may prevail (N.R.).

[*Latin ed. p. 182*]

From the Sacred Congregation of the Holy Office, concerning the appropriate reduction of Masses, due to the scarcity of alms, and having considered the matter, a decree was issued: "... For the purpose of achieving the effect of reducing the burdens in order to increase the alms for Masses, two Masses may be reduced for three years, at the discretion and prudence of the Eminent Vicar of the City, provided that he is informed of the faithful fulfillment of the Masses thus reduced before the Vicariate Tribunal of the City."

After the three years had elapsed, the petitioner requested a continuation of this grace, together with the faculty of celebrating Masses in the church of Saints Vincent and Anastasius in the City; but the granting of this new grace was opposed by both the Eminent Vicar of the City and the Chapter of Saint Eustachius, especially because the aforementioned priest had not fulfilled his duties during the three years. Therefore, the matter was referred to the Sacred Congregation for consideration. Reasons contrary to the petitioner.

Firstly, the extension of the reduction of Masses appears to be to be denied, because, as the chaplain Latuile himself does not hesitate to admit, and as the sacristan of the Chapter confirms, the petitioner celebrated in the church of Saint Eustachius only for three months during the past three years. This failure to fulfill his obligations, while it clearly indicates a serious negligence on the part of the chaplain, suggests that the alms from Masses thus reduced were not necessary for his support. Nor are the excuses alleged by him to be considered, namely that the Chapter provided him with dirty vestments and subjected him to insults; for these are not considered to be valid reasons. Furthermore, it cannot be permitted for the petitioner to urge the presence of chaplains who receive a larger emolument for the daily celebration of Masses in the same church; for they celebrate at a late hour and at a fixed time, while, on the contrary, the priest Latuile has neither a fixed hour nor a fixed day.

Furthermore, the transfer of the endowment of Mangiatordi to the church of Saints Vincent and Anastasius does not appear to be permissible. For the divine offices to be performed in that church are those which the testator requested (Pasqualinus; *De sacris, novae legis, g. 1199), because he intended for the people of that church, and not for others.

[*Latin ed. p. 183*]

Rome, 1837. According to the law, just as with any testamentary dispo-

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sition (Council of Trent, Session 22, chapter 6 on Reform?), one must only deviate from the established order for a just and necessary cause. Therefore, according to the practice of the Holy See, the transfer of a chaplaincy or a pious endowment from one church to another is usually granted only for a grave and urgent cause of necessity or utility. In this case, both necessity and utility are lacking, because the endowment can easily be fulfilled in the designated church; and the utility of the pious cause is also lacking, because this transfer serves only the convenience of the petitioner. Moreover, a reasonable objection from the Chapter exists, because the case concerns a real chaplaincy, and not a personal one, the obligations of which can be fulfilled anywhere. Therefore, the transfer must be entirely denied, according to the doctrine of the Holy See, as reported in Lünen and Sarzanen. – Regarding the change of will, March 18, 1826; Regarding the transfer, August 18, 1827, and elsewhere. Reasons favorable to the petitioner. On the other hand, it seems advisable to grant a postponement of the reduction of masses. For the first difficulty, or the objection of the Chapter, is easily overcome, if one considers that, nevertheless, the reduction was granted the first time; indeed, the expense was that the chaplaincy was given to the petitioner as a supplement to the sacred patrimony, and since the necessities of life are increasing, it is necessary for him to have a more substantial alms for his honest sustenance. Furthermore, the priest Latuile should not be considered unworthy because he has only reduced a few masses in this way; for, on the one hand, no harm comes to the endowment, because the Chapter was concerned about the celebration of the remaining masses; on the other hand, the petitioner is to be excused if, not being able to celebrate masses in the church of Saint Eustachius, in order to provide for his necessary sustenance, he turned to the church of Saints Vincentii and Anastasius, to which, as testified by the parish priest of that church, he was referred by the Vicariate of the City; which certainly did not escape his notice that he was bound by the endowment of Mangiatordi.

[*Latin ed. p. 184*]

84. From the Sacred Congregation concerning the translation of Masses, with the favorable opinion of the advocate, it must be noted that in this case, we are not dealing with a proper translation of the chapel or legacy, but rather with a temporary concession for the celebration of Masses in another church. Nor is any prejudice inferred against the soul of the founder, because the number of Masses is not diminished, but only the location is changed, or the legatee church of Saint Eustachius, since it can, in various ways, better serve the needs and devotion of the people. Thus, all occasion for dispute between the Chapter and the advocate is removed, who, moreover, can better attend to his own support, since he will easily be able to celebrate other Masses in the church of Saints Vincent and Anastasia. Therefore, etc. Resolution. The Congregation of the Sacred Council, on April 30, 1904,

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having approved the petitions presented through summary petitions, responded as follows: Provided that the advocate fulfills the Masses through his own ministry, a three-year extension and reduction of obligations is granted, with a dispensation from the condition of location, provided that the Chapter is informed of the fulfillment of the obligations and that the promise is made to the Most Reverend College. 1. The pious legacies are to be faithfully executed in measure and in the church, as established by the will of the testator. 2. However, if there is a just and serious reason, the testamentary disposition can be modified by legitimate ecclesiastical authority. 3. In the case where the chapel is assigned as a supplement to the sacred patrimony, and where it is insufficient for the honest support of the chaplain, a reduction of the Mass obligations is granted. 4. Moreover, a translation of the chapel is not granted, but only its fulfillment in another church. 5. Finally, the obligation is imposed to inform the Chapter of Saint Eustachius of the completion of the Masses thus reduced, because the legacy in the aforementioned church still remains registered.

[*Latin ed. p. 185*]

Abyssinia. 185 FROM THE HOLY CONGREGATION FOR RITES, CONCERNING ABYSSINIA. Decree of beatification and canonization of the Venerable Servant of God, Justin of Jacob, Bishop of Nilopolis and Apostolic Vicar of Abyssinia, from the Congregation of the Missions of St. Vincent de Paul. Following the precept which our Lord Jesus Christ gave to His disciples, that they should love one another as He had loved them, He added a new commandment, namely, that just as He, being sent by the Father, sent the disciples forth into the whole world, to preach the Gospel and to baptize, He promised them His perpetual assistance through the virtue of the other Paraclete, or Holy Spirit. The Apostles, and other apostolic men from the beginning of the Church until the present day, have constantly demonstrated the divine mission of Jesus Christ in the propagation of His faith and of the Church itself, through this ministry. Among these, Justin of Jacob, a member of the Congregation of the Missions, Bishop of Nilopolis and Apostolic Vicar of Abyssinia, deserves to be mentioned, who, having emulated other apostolic men in his reputation for sanctity and virtue, shone so brightly that he is worthy of the illustrious testimony of the Most Reverend Cardinal Massaia, at that time Vicar among the Gallas, by whom he was consecrated, and who was presented as an example and guide to the missionaries. The Servant of God was born in the town of St. Felix, in the diocese of Murana, in the province of Lucania, from pious and honest parents, on October 9th, in the year 1800, and was baptized with the name Justin. Having received a fervent disposition and a proclivity for virtue, he approached the sacraments, and, enriched with new knowledge

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and with an increase in piety, when...

[*Latin ed. p. 186*]

Having reached the eighteenth year of his age, he earnestly desired to embrace a state of perfect life. Following his divine vocation, he entered the Congregation of the Missions of Saint Vincent de Paul. After completing and proving his novitiate in Naples, he pronounced his simple vows. Promoted through the grades to the priesthood, he devoted himself diligently to the salvation of souls. He first founded a house in Uri, and then in Monopoli, establishing companions. As prefect of the Congregation's house in Lecce, and as master of the novices and superior of the house of God called the Virgin in the city of Naples, he admirably fulfilled these duties. Austere with himself, kind to others, united with God in prayer, he earned the praise of being both an excellent preacher and a good confessor. He readily achieved what was most important to him, which was to go on missions, when the office of Apostolic Prefect in Abyssinia was entrusted to him. He spent almost four months in Aduae, the capital of Tigre, which served as the center of the mission, seemingly in a preparatory retreat, imploring heavenly assistance, or learning various languages, or seeking to gain the favor of the princes, nobles, and of the King Oubié himself for that region. Subsequently, he undertook a journey to Rome, to recruit more companions, and presented to the Supreme Pontiff the most obedient letters of the same King Oubié, who had entrusted the mission to Cairo to the Servant of God. He even led the Abyssinians to the feet of the Holy Father and presented them to him. After completing a journey to Rome and Jerusalem, he returned to Abyssinia, where, with a brave and gentle spirit, he experienced the labors, hardships, dangers, and the intrigues and vexations of his adversaries. With the help of God, and supported by the authority of the King, he built several churches, reconciled and restored to the Catholic faith and worship those that had been tainted by the stain of heresy, at the request of the inhabitants, and he also strove to establish seminaries and colleges for the instruction of boys and clerics. Meanwhile, so that the growing number of priests and pastors would not lack in the future, the Roman Pontiff, Justin, who was reluctant due to his humility, but moved by divine...

[*Latin ed. p. 187*]

He who obeys the commands and dictates of the Apostles, is thereby increased in his Episcopal dignity. The Bishop of Nilopolis, and shortly thereafter, the Apostolic Vicar of Abyssinia, having relinquished his office, as if placed before the candlestick in the house of God, so diligently labored that he brought many out of the darkness of errors into the light of truth. Nevertheless, from this arose anger and envy on the part of the heretics against the Catholic missionaries, and especially against Justin, whom they

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did not cease to assail with reproaches, calumnies, and threats. Incited by the heretical bishop and commanded by Theodore, who had returned victorious from the war against King Oubie, Justin was cast into chains and prison, along with his disciples. For five months, Justin suffered much and cruelly in that place called Gondar; nor did the will of perfect martyrdom fail him, as the tyrant's spirit failed him in the execution of the capital sentence. For he, fearing to stir up hatred in the people because of his cruelty towards the Servant of God, whom all considered just and holy, tempered the unjust sentence, inflicting only the penalty of exile upon him. Released from chains and dismissed from prison, Justin returned to Abyssinia and resided in the town of Halay. There, like a pilgrim weary from travel and labors, after twenty-one years of apostolic service, filled with holy works and very fruitful for himself and for his mission, he began to rest somewhat. But the day approached which was to introduce that man, so laden with so many merits and worthy of heavenly reward, into eternal rest and the holy kingdom of God. The Servant of Christ fell ill, and thinking that a more healthful air would benefit his health, he resolved to go to other regions; but scarcely had he begun his journey when, his illness worsening, he was forced to stop. Sensing the end of his journey, he gave his last instructions to his disciples, and, having piously received the sacraments of the Church, he peacefully fell asleep in the Lord on July 31, 1860, in the sixtieth year of his age. The body of Justin de Jacobis, which all, whether Catholics, heretics, or Mahometans, guarded and carried, was taken to the...

[*Latin ed. p. 188*]

i88 From the report submitted by the Sacred Congregation of Rites and placed in the church, after the solemn funeral rites, he is honorably buried, with crowds of people arriving at the tomb, both local and from afar, imploring divine assistance through the intercession of the Servant of God. Meanwhile, the reputation for holiness, which the Servant of God had already acquired while still living, after his death, grew more and more each day, providing a reason for the Ordinary Inquiries to be instituted, and the processual documents from Naples, Lecce, and Abyssinia were sent to the Congregation of Rites. When, after a review of the writings and with the dispensation obtained from the intervention and vote of the Consultors, nothing stood in the way of proceeding further, at the urgent request of the Most Reverend Lord Augustine Veneziani, Promoter General of the Congregation for the Propagation of the Faith, and with attentive letters from certain Eminences of the Holy Roman Church, Cardinals, and many other men, both ecclesiastical and of civil distinction, the Eminent and Reverend Lord Cardinal Dominic Ferrata, Promoter of this Cause, in the meeting of the Ordinary Congregation of the Sacred Rites, held on the aforementioned day at the Vatican, proposed the following question for discussion: "Whether a Commission for the Introduction of the Cause

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should be appointed in this case and for the purpose in question?" And the Eminent and Reverend Fathers, entrusted with the preservation of the Sacred Rites, after the report of the Cardinal Promoter, having heard the voice and the written opinion of the Reverend Father Dominic Alexander Verde, Promoter of the Holy Faith, and having carefully considered all matters, decided to respond: "Affirmatively, that is, the Commission should be appointed, if it pleases the Most Holy." On July 12, 1904. Subsequently, a report on these matters was made to the Most Holy Lord Pope Pius X by the Eminent and Reverend Lord Aloysius Tripepi, Pro-Prefect of the Sacred Congregation of Rites, and His Holiness approved and ratified the decree of the same Sacred Congregation, and deigned to sign the Commission for the Introduction of the Cause of the aforementioned Venerable Servant of God, Justin De Jacobis, Bishop of Nilopolis, and...

[*Latin ed. p. 189*]

Milan. The Apostolic Vicars of Abyssinia, from the Congregation of St. Vincent de Paul, on the 13th day of the same month and year. His Eminence Cardinal CRETONI, Prefect. L. "f S. t D. Panici, Archbishop of Laodicea, Secretary.

MILAN. Decree of confirmation of the worship rendered from time immemorial to the Servant of God Ariald, deacon of the church of Milan, now called Saint or Blessed. The Only Begotten Son of God, Jesus Christ, who distributes help, as much as is necessary for His Church, grants assistance according to the measure of need and in accordance with the times; and it is seen that even the church of Milan, as through the holy prelates Ambrose and Charles, so also through the deacon Ariald, has wonderfully foreseen the needs of various times and circumstances. In the place of Cuzago, near Canturina, in the diocese of Milan, this Servant of God was born from noble parents, Bezo and Beza. Good hope and character appeared in the boy, and even better in the adolescent. Having been enrolled among the clergy, he added to a particular study of piety in Christ God and in the Virgin Mary, along with secular and sacred disciplines; whom he always had as his protector and patron. Guido de Velatis, who then governed the church of Milan, desiring to attract Ariald, who was outstanding in virtue and doctrine, to himself and to his church, chose him as a deacon of the archiepiscopal sacristy and duly ordained him. The Servant of God remained in this rank until the end of his life, performing all his duties properly, especially the administration of the church's goods and the preaching of the divine word. He undertook to instruct young clerics in good arts, as the first seeds of that long-desired reformation which was later brought about by the eminent man Anselm of Bunagio, Bishop of Lucensi, afterwards Pope.

[*Latin ed. p. 190*]

From the Sacred Congregation of the Rituals, under Alexander II, the un-

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dertaking began, and through Ariald and Landulph, a brother of the family of Cotta, it continued. These men, in the city of Milan and in other places, with all patience and instruction, refuted the corrupt morals of those who were flattering and rebuking. They could not be silenced by flattery or gifts, but freely testified that, as long as their tongues remained in their mouths, they would proclaim truth and virtue to their brethren. Indeed, they themselves were the founders and first members of that society, established in the praised house of Anselm and called Pataria, whose adherents, according to the testimony of Saint Peter Damian, swore an oath that, "as long as they lived, and with all their strength, they would strive to eradicate the heresies of the Nicolaitans and the Simoniacs." Ariald, with his companion Landulph, accomplished many and illustrious works to eradicate both heresies, and it would be too long to recount individually those things which are proven by authentic documents and verified testimonies, and from the very process records themselves. Supported by the authority and mandates of the Supreme Pontiffs Victor II, Stephen IX, Nicholas II, and Alexander II, as well as by the legates of the Apostolic See, Hildebrand, then Bishop of Lucensis, and Peter Damian, he traveled through many cities and provinces; and he persevered vigorously in the work he had begun. For Christ and the Church, he patiently endured calumnies, insults, the most grievous persecutions, and even the seizure of his property. Always ready to endure greater things, even to the shedding of blood, he embraced his enemies with all kindness. A strong and suitable aid was provided by Herlembald, an excellent man and soldier, brother of Landulph, who came with Ariald to Rome, and from the Supreme Pontiff Alexander II, he received strength, a command, and a blessed banner to raise against the enemies, assigning Ariald himself, for his ecclesiastical office, as leader and director. The same Pontiff, having assembled a Council at the Lateran Palace, issued encyclical letters and sent them to Milan, and thither returned those aforementioned valiant men, to the Synod and the Pontiff.

[*Latin ed. p. 191*]

In Milan, the writings were diligently observed. Through the generosity of Azzone, a noble man, a sacred building dedicated to the Virgin Mary was constructed outside the new gate; a canonical house was built, to which many ecclesiastics flocked, so that, separated from worldly affairs, they might live a common life in peace and harmony, and devoutly offer divine praise at fixed hours. The first among these, and a companion, was Arialdus, who, having recovered from a conflict with his adversaries, was compelled, along with his companions, to leave such a dwelling of virtue and peace. Driven into flight, he was captured by pirates in the middle of the Po River, but, through the intervention of the local lord, he was freed and took refuge in the town of Lignani. However, another, having made a pact and received payment, betrayed the Servant of God to his enemies

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and assassins. These took him to an island in the middle of Lake Verbano, and, with the connivance of the wicked woman Oliva, condemned him to execution. With both ears cut off, Arialdus raised his eyes to heaven, saying: "I thank you, Christ, who have deigned today to count me among your martyrs." Then, with his eyes gouged out, his body was dismembered, until the holy soul was dissolved in the flesh. He suffered on the fourth day before the Kalends of July, in the year 1566, under the pontificate of Alexander II, who presided over the Apostolic See. The following day, at the command of Oliva, his lifeless body was thrown into the lake, but, when Herlembald, by force of arms and the siege of the town, ordered that it be returned to him, it suddenly appeared on the shore of Ticini. All gathered and, carrying the sacred remains, illuminated by many candles, they brought them to Milan, as if in a festive procession. Deposited in the church of St. Ambrose, the proper funeral rites were performed before him, with a panegyric delivered by Herlembald himself, concerning Arialdus, as a Blessed Levite and Martyr of Christ. For ten days, his body remained exposed for the veneration of citizens and clergy, until it was transferred to the monastery and near the church of St. Celsus, where it was honorably interred. The fame of the sanctity of the Servant of God spread everywhere, and, as is said, was increased by signs and miracles, granted by God. Concerning the unremitting worship rendered to this Servant of God from his death until our time, or concerning an exception made by the Sacred Congregation...

[*Latin ed. p. 192*]

From the Sacred Congregation of Rites, urged on by the decree of Pope VIII, the Most Eminent and Reverend Cardinal Andrew Charles Ferrari, Archbishop of Milan, with ordinary authority, oversaw the process concerning the aforementioned cult or the exception to the case, having presented his judgment through a delegated judge, along with the process of inquiry from Rome, Florence, and Pescia. When these acts were presented to the Congregation of Sacred Rites and duly opened, and all things were before them according to the order of law, the Most Reverend Mr. Alexander Lualdi, urban prelate and advocate for the cause, proposed the following question to be discussed in the Ordinary Assembly, held on the aforementioned day at the Vatican, in the presence of the Most Eminent and Reverend Cardinal Aloysius Tripepi, Pro-Prefect of the Sacred Congregation of Rites, in place of and in the stead of the Most Eminent and Reverend Cardinal Seraphin Cretoni, Prefect and judge of the same cause: "Whether the judgment rendered by the Most Reverend Judge, delegated by the Most Eminent Archbishop of Milan, concerning the cult rendered to the Servant of God from time immemorial, or concerning the exception to the case, should be confirmed in the case and to the effect of which it concerns?" And the Most Eminent Fathers entrusted with the preservation of the Sacred

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Rites, after the report of the aforementioned Cardinal judge, having also heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, and having diligently considered all things, judged it necessary to respond: "Affirmatively, that is, the judgment is to be confirmed, if it pleases the Most Holy [Pope]." On July 12, 1904. After all of this was presented to the Most Holy Pope Pius X by the Most Eminent and Reverend Cardinal Aloysius Tripepi, Pro-Prefect of the Sacred Congregation of Rites, His Holiness ratified and approved the rescript of the aforementioned Congregation on July 13, of the same month and year.

S. Card. CRETONI, Prefect.

L. f S. f D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 193*]

MANTUA. Decree concerning the beatification and canonization of the Venerable Servant of God, Francis Gonzaga, General Minister of the Order of Friars Minor, and Bishop of Mantua. For a long time, the Franciscan Order had desired to revive the memory of, and to resume the cause of beatification of, the Venerable Servant of God, Francis Gonzaga, who, as a relative of Saint Aloysius, was a distinguished figure both within the Order of Saint Francis and in the See of Mantua. By the provident will of God, these times have arrived, under the leadership of the Apostolic See by Pope Pius X, who himself was formerly the Bishop of the Church of Mantua, under whose auspices there is good hope that the cause of this illustrious predecessor will be resumed and successfully concluded. The Venerable Servant of God, born in the most noble family of Gonzaga in Mantua in the year 1546, displayed from his youth and adolescence a sweetness of character, devotion in prayer, and piety towards the Blessed Virgin. While living in Madrid, he scorned earthly riches and pleasures, and, overcoming the flattery and threats of his parents and other influential people, emulating better things, he entered the Franciscan Order, as if seeking refuge there. The virtues of this novice and professed religious were presented as an example to others; and he himself proved worthy, so that, when he had barely reached his thirty-third year, he was appointed the highest minister of the Order. After restoring the regular discipline according to the laws of the Holy Father Saint Francis, and having escaped unharmed after being brought to the brink of death, with God's help, he relinquished his office. At the request of the King of Spain, the Bishop of Cefalù was elected and appointed by the Supreme Pontiff, and he adorned his episcopal see with his virtues. When it was necessary for him to be transferred to the See of Pavia, due to the death of the Blessed Alexander Sauli, who had previously held that office, the Princes of Mantua earnestly requested and obtained from the Roman Pontiff that he be appointed to govern the Church of Mantua. Francis was received in Mantua by his fellow citizens and his flock with signs of joy and rejoicing. After consulting with

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the clergy, and after... [The text is incomplete.]

[*Latin ed. p. 194*]

194 Having diligently striven to fulfill the decrees of the Council of Trent, the Sacred Congregation of Rites appointed the most learned doctors and masters to cultivate theological studies with greater diligence. He frequently convened Synods, and under his guidance, the people never lacked spiritual nourishment through sermons, nor did children and young people lack Christian instruction. Francis, deservedly called the father and support of the poor, aided the needy and the poor. He never ceased to defend the cause of justice and to uphold the rights of the Church against the efforts of the powerful. Due to his evident prudence, with the approval of Clement VIII, he was appointed Apostolic Visitor of the Bishops of Italy. Subsequently, he was sent as a legate to France, where he resolved long-standing disputes between the Spanish and the French, in such a way that he fully satisfied the expectations and desires of all, and especially of the Kings of those nations, and of the Pope himself. Though laden with duties and honors, he always desired to be unknown, and he combined a penitential and humble life, as a faithful disciple of Saint Francis, with the solicitude of his pastoral office and with various acts of charity. While afflicted with illness in Mantua, he ordered that the money he possessed, even down to the last quarter, be distributed to the poor. Clad in a Franciscan habit, he received the Holy Eucharist and Extreme Unction with great devotion. Finally, with many signs of piety, he breathed his last on March 11, 1620. The fame of his sanctity spread, and the process for his canonization, with ordinary authority, was completed in the Mantuan court in 1626, and in the following year, 1627, a commission was appointed by the Supreme Pontiff to properly introduce the cause. Although the acts regarding the non-cult of the Venerable Servant of God were approved in 1638, and even the Remissorial Letters were granted in 1658, by which the Apostolic Inquisition, having begun an investigation into his virtues, completed it and also presented it to the Congregation of Sacred Rites, nevertheless, such a cause remained silent from that time. To renew the memory and promote the cause of beatification of this great man, the Reverend Father Cyrus of Piacenza, General Postulator of the Order of the Minor Friars, has presented several documents from...

[*Latin ed. p. 195*]

Anconitan. and Human. i 5 9. He gathered together the processual records, compiled documents and testimonies, and presented them, along with relevant information and responses to the annotations of the Reverend Father Dominic, Promoter of the Holy Office, to the same Congregation of Sacred Rites. When all was before them, for this matter to be considered, at the urgent request of the petitioner himself, His Eminence

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and Reverend Lord Cardinal Dominic Ferrata, Introducer of this Cause in the Ordinary Assemblies of the Sacred Roman Congregation, having convened on the designated day at the Vatican, proposed the following question for discussion: "Whether there is a place for the resumption of the Cause in the state and in the terms in which it is found?" Furthermore, His Eminence and Reverend Fathers, Prefects of the Sacred Rites, after the report of the Introducer Cardinal, having also heard the voice and the written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, and having maturely considered the matter, decided to respond: "Affirmatively, that there is a place for the resumption of the Cause in the state and in the terms in which it is found." July 12, 1904. These matters were then reported to His Most Holy Lord Pope Pius X by His Eminence and Reverend Lord Cardinal Aloysius Tripepi, Prefect of the Sacred Roman Congregation. His Holiness approved and confirmed the Decree of the aforementioned Congregation on the 13th day of the same month and year. S. Card. CRETONI, Prefect. L. "f* S. f D. Panici, Archbishop of Laodicea, Secretary. —●●——●«#§]§#»' - FROM THE SACRED CONGREGATION CONSISTORIAL ACT CONCERNING THE ELEVATION OF THE SEE OF ANCONA TO THE ARCHIEPISCOPAL RANK FOR HONOR'S SAKE. The Episcopal See of Ancona is elevated to the Archiepiscopal rank for honor's sake. The cities are endowed with honors and privileges, both because of the frequency of their inhabitants and because of their nobility, especially those that are distinguished by these characteristics.

[*Latin ed. p. 196*]

From the Sacred Congregation of the Consistory, during the Apostolic age, it has always been the concern of the Roman Pontiffs that those who have embraced the Christian faith should steadfastly maintain it, and that Episcopal Sees should be honored. This, indeed, they have done, in order to give due honor and reward to virtue, and to attract the people to emulate the gifts of grace. Among the cities, illustrious not only for the abundance of its citizens but also for Christian piety, is the city of Ancona, of Greek origin, founded, as Strabo testifies, by those fleeing the tyranny of Dionysius of Syracuse, on the Adriatic Sea coast, in the bay now called after Saint Cyriaco. Its citizens now number almost sixty thousand; a city which is easily the leading city of all Picenum, to which citizens from all parts of this region, and sometimes even from neighboring areas, come together, whether for civil or ecclesiastical matters. The wealth of this city under the Roman emperors is attested by the port and arch dedicated to Emperor Trajan, and other monuments that still remain. Nor has the glory of the city of Ancona diminished in later ages, as is clearly shown by the sieges against the incursions of the Goths and Saracens, and the victories won against the forces of Frederick, called Barbarossa, the German Emperor.

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The church of Ancona itself is very ancient, its origins dating back to the Apostolic age. Indeed, Saint Augustine, speaking of the origin of the church of Ancona, testifies that it was established shortly after the martyrdom of Saint Stephen; and he also, in a discourse to his faithful at Hippo, mentions a temple dedicated in memory of the holy Protomartyr in that city of Ancona, and proclaims that it is famous throughout the Christian world for the miracles that were worked there through the intercession of the saint. The Episcopal See of Ancona has flourished from ancient times through examples of outstanding virtue. Indeed, not long afterward, it saw its order of bishops illuminated by two saints, the martyrs Primian and Cyriacus.

[*Latin ed. p. 197*]

Ancona has been blessed with many saints and virtuous individuals, among whom the first was Saint Cyriacus, also a citizen of Ancona. Nor have the prelates of Ancona in subsequent centuries been lacking, who have illuminated the same See either by their sanctity of life or by their knowledge and skill in administering affairs, such as Saint Cyriacus, Blessed Anthony of Fatati, a citizen of Ancona, Cardinal Marcellus d'Aste, whom Pope Innocent XII appointed to govern the diocese of Ancona and declared a saint in a public Consistory, and others, including Cardinal Lambertini, later Benedict XIV, who bestowed countless benefits upon the city of Ancona. Many citizens of Ancona have followed in the footsteps of their prelates. Thus, the antiquity of Ancona is indeed illustrated by the martyrdom of Peregrinus, Herculanus, and Flavianus, as well as by the virgins Laurentia and Palatia; to the latter, many cities in the Picena region dedicated temples. The honor of the fatherland was increased by Saint Constantius, whose deeds were celebrated in writing by Saint Gregory the Great, and by Saint Marcellinus, whom the same Supreme Pontiff commemorates. Similarly, Saint Benavente, Bishop and patron of the church of Auxima, and Blessed Gabriel Ferretti, Jerome Ginelli, Augustine Trionfi, who succeeded the divine Thomas Aquinas in teaching sacred disciplines at the University of Paris, distinguished themselves by their virtue and learning, and thus ennobled their homeland. Furthermore, the nobility acquired through the study of the liberal arts and theology is well attested by both the works of the most excellent artists and by the many sacred buildings, especially the Cathedral, formerly dedicated to Saint Lawrence, but now to the city's patron saint, Bishop and Martyr Cyriacus, after the sacred relics, which still remain incorrupt, were transferred to it. The facade of this temple, constructed in the Gothic style, and the large dome are notable monuments of architectural art. Moreover, the faithful, not only from neighboring regions but also from distant lands, frequently visit there, to venerate the image of the Virgin Mary under the title of

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Queen of All Saints, which, among other depictions, features...

[*Latin ed. p. 198*]

198 Documents clearly demonstrate that the Sacred Congregation of the Consistory ordered this, and the glorious Pope Pius VII, upon returning from Savona where he had been held captive, bestowed a golden crown upon it with his own hands. The dignity of this temple is enhanced by the bodies of the Saints that are buried within it, and by the countless relics that are venerated there. Indeed, besides the body of Saint Cyriacus, which is buried beneath the main altar, the bodies of Saints Marcellinus and Liberius, and of the holy virgins Laurentia and Palatia are also kept there. Among the sacred relics, the tip of the spear with which the most sacred Heart of Jesus Christ was pierced, and the head of the lesser Apostle Saint James, are worthy of mention. It is also worth noting that not far from the city of Ancona, the house in which the Virgin Mary was born was divinely transported from Dalmatia to the estate of Laureto, and in the town of Numana, within the boundaries of the Ancona diocese, the image of the Crucified Jesus Christ, called "Sirolo," is venerated, to which the faithful flock from all directions; to which a magnificent temple has been dedicated by decree of the Senate of Ancona, and the image of the Crucified is also venerated in Rome with special devotion. More recently, the city and church of Ancona have greatly increased in prestige, not only due to the growth of its citizens and the expansion of commerce, and the annexation of the diocese of Humana, but also due to the dignity and eminence of those who have been elected to govern the city; thus, Saint Charles Borromeo, who governed the province of Ancona as prefect, and many bishops who have shone with the dignity of Cardinalate. Indeed, for almost three centuries, almost all the bishops of Ancona have attained the Roman purple. Therefore, when the canons of the Cathedral Church of Ancona seized the opportunity that the twenty-fifth anniversary, which was auspiciously and happily completed, of the appointment of the Most Reverend Achilles, Cardinal-Priest of the Roman Church, to the Church of Ancona,

[*Latin ed. p. 199*]

The Anconitan and Human congregations, in the one hundred and ninety-ninth session, presented a petition to His Holiness, Our Most Holy Father Pius X, concerning the matters that have been explained above, on behalf of himself and of the entire clergy and people of the Anconitan diocese, imploring that, having regard both to the dignity of the Anconitan Church and to the merits of the most vigilant and beneficent Pastor, in order to increase the joy of its Episcopal Jubilee, he would deign to elevate the same Anconitan Cathedral Church, without any designation of suffragan bishops or alteration of its status or boundaries, but solely for the sake of honor, to the dignity of the Metropolitan See. His Holiness, Our

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Most Holy Father, having carefully considered all things, having taken into account what has been presented, and as a testimony of his especial benevolence towards the distinguished Pastor, who has deserved so well of the Church and of the Anconitan diocese, and that it may be pleasing to the glory of Almighty God, deigned to accept the petitions presented with benevolence, and granted them, so that, with the consent of all those who are or may be presumed to be interested in this matter, the Episcopal See of Ancona shall be erected into an Archbishopric solely for the sake of honor, in the following manner:

I. His Holiness, by the fullness of his Apostolic power, elevates the Anconitan Episcopal Church, dedicated to Almighty God in honor of Saint Cyriacus, Bishop and Martyr, which has hitherto and shall henceforth be immediately subject to the Apostolic See, to the dignity and honor of the Archiepiscopal See, without any designation of suffragan bishops and without any alteration of the status or definition of the diocese, but solely for the sake of increasing its dignity, as an example of the churches of SpoletanÃ¡e and Perusina, and appoints one Archbishop of Ancona. Furthermore, he establishes and decrees that the Order of Canons of the great temple shall, solely for the sake of honor, be considered Metropolitan.

II. To the Archbishop of Ancona for the time being, after due petition has been made in the Consistory, His Holiness, in the same manner, grants the use of the pallium and the cross to be carried before him, according to the custom of other Archbishops and according to the sacred canons.

[*Latin ed. p. 200*]

From the decree of the Sacred Congregation of the Consistory, number 200, it is granted and conceded, solely within the boundaries of the Archdiocese of Ancona, and nowhere else, all the archiepiscopal insignia, privileges, honors, and rights, by which other archiepiscopal churches throughout Italy, and their prelates, enjoy, possess, and benefit, but not by burdensome title, nor by a particular indulgence or privilege.

III. Furthermore, His Holiness desired that the Most Reverend Achilles Manara, until now the Bishop of Ancona, who has now been appointed Archbishop, should govern the same Archdiocese of Ancona in the future with the same rights as he has exercised until now, and that he be excused and absolved from the issuance of Apostolic Letters, sealed with lead or in the form of a Brief, for his increased dignity.

IV. In order to carry out the foregoing, His Holiness deemed it fitting to appoint the Reverend Father John Baptist Scotti, the Ordinary of the dioceses of Auxima and Cingulana, so that he himself, or through another person of ecclesiastical dignity delegated by him, should solemnly publish, establish, and decree all and each of the things established by the present decree, having been appointed as an executor as mentioned above, or to a person delegated by him, with the power to pronounce definitively, what-

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ever appellation may be used, and over whatever opposition may arise in the course of execution, with the obligation to send to this Sacred Congregation of the Consistory, within three months, a certified copy of the completed execution. And it is commanded that the present Consistorial decree shall be valid as if Apostolic Letters, sealed with lead or in the form of a Brief, had been issued on the matters mentioned above, and that the decree itself be preserved among the acts of this Sacred Congregation of the Consistory.

Given at Rome, this 14th day of September, in the year of Our Lord 1904.

L. S.

For the Reverend Father Secretary,

JULIUS GRAZIOLI, Substitute.

[*Latin ed. p. 201*]

From the Sacred Congregation of Indulgences and Sacred Relics: An Indulgence of 300 days is granted to those who recite the following prayer in honor of Saint Paul of the Cross.

Prayer: O glorious Saint Paul of the Cross! You, who, by meditating on the Passion of Jesus Christ, attained so high a degree of sanctity on earth and of happiness in heaven, and by proclaiming it, offered to the world again the most efficacious remedy for all its evils; grant us that we may always have it engraved in our hearts, so that we may gather the same fruits in time and in eternity. Amen. Pater, Ave, and Gloria (1).

To those who devoutly recite this prayer with the prayers Pater, Ave, and Gloria, an Indulgence of 300 days is granted once a day.

March 26, 1904.

PIUS PP. X.

A true copy of the present concession has been presented to this Sacred Congregation of Indulgences and Sacred Relics.

In witness whereof, etc.

Given at Rome from the Secretariat of the same Sacred Congregation, on September 17, 1904.

L. C.ß S. (i) (Version).

Joseph M. Can. Coselli, Substitute.

Prayer: O glorious Saint Paul of the Cross! You, who, by meditating on the Passion of Jesus Christ, attained so high a degree of sanctity on earth and of happiness in heaven, and by proclaiming it, offered to the world again the most efficacious remedy for all its evils; grant us that we may always have it engraved in our hearts, so that we may gather the same fruits

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in time and in eternity. Pater, Ave, and Gloria. Amen.

[*Latin ed. p. 202*]

202 From the Sacred Congregation for the Apostolic Visitation. From the Sacred Congregation for the Apostolic Visitation. The Apostolic Visitation of the City and its District, instituted by the Most Holy Pope Pius X by the Bull "Quum arcano Dei consilio" on February 2, 1904 (i). Questions which are proposed to all Superiors and Administrators of Secular and Regular Churches, of Confraternities and of Religious Institutes, to whom they must respond with all truth, and with the greatest clarity and precision. A copy of these questions with their respective answers, each one shall deposit in his own archive; the other copy shall be transmitted to the Most Reverend and Reverend Monsignor Secretary, at the Offices of the Congregation of the Sacred Apostolic Visitation in the palace of the Chancery, no later than May 31st of the current year. N.B. For greater convenience and clarity, the answers will be written on the pages facing the questions.

PARAGRAPH I. For any Church or Public Oratory.

1. What is the title of the Church? Where is it located? To whom does it belong?

2. When and by whom was it established? Was it consecrated? When and by whom?

3. If it is a parish church, who is the patron? Who is the Rector? When and by whom was he appointed?

4. Are there any buildings adjacent to the Church? To whom do they belong? What use do they serve, or who inhabits them? Are there dwellings above the Church? Who uses them? Are there any buildings below the Church? What use do they serve?

(i) It seems opportune to refer to the norms which have been proposed by the Sacred Congregation for the Apostolic Visitation for the sacred Visitation to be carried out in the City, since these may be very useful to all Visitors and the visited, both in Italy and outside of it. The aforementioned Bull can be found in the Acts of the Holy See, volume 36, pages 532 and 535. (N. R.).

[*Latin ed. p. 203*]

From the Sacred Congregation for the Visitation Apostolica, sections 20, 3, and 5.

1. Does the church have any dependencies or annexes belonging to neighboring inhabitants? Are there galleries or balconies overlooking the church? Are they equipped with grilles? Is access to them gained from private dwellings? If so, when and by whom was permission obtained for this? Do these private galleries also have fixed iron railings?

2. Is the church well protected from dampness? Does it require repairs,

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and if so, of what kind? Are these repairs urgent? Who is responsible for having them carried out?

3. Is the church well secured with strong doors? Who holds the keys? How is the custody and nighttime surveillance of the church ensured? If there are windows that are low to the ground, are they equipped with appropriate grilles? At what time is the church ordinarily opened? Is it kept open throughout the day? When is it closed?

4. How is the cleaning of the church provided for? How often is dust removed from the vaults or ceilings and the walls, and are the more secluded areas and the footrests of the altars aired? Who supervises those responsible for cleaning the church?

5. How many altars does the church have? For each altar, the following should be indicated:

a) The titular saint in whose honor it is erected.

b) Whether it is consecrated, when, and by whom? Of what material is it constructed, and in what form?

c) If it is endowed (i.e., has a patron), who is the patron, and does this patron provide for the necessary repairs, furnishings, and their maintenance?

d) Whether it is endowed perpetually or for a limited time, citing the document granting the endowment, which should be presented during the Visitation.

e) If the altar has an image of the titular saint, whether it is in mosaic, painted, or sculpted, and of what material. If the altar is consecrated, the image of the titular saint cannot be changed with that of another saint without an apostolic indult. If it has been changed, it should be stated when, why, and with what authorization.

f) If it has what is called a "sub-altar piece" (sottoquadro); what does it depict; when, why, and with what authorization was it placed there?

[*Latin ed. p. 204*]

204 From the Sacred Congregation of the Apostolic Visitation, section g): Does the altar have sacred vessels or relics placed beneath or upon it?

a) Does it have a movable frontal with a frame, when the front of the altar is not well decorated?

i) If the chapel where the altar is located has other images on the walls, when, why, and with what authorization were they placed there?

l) If the chapel has a gate or balustrade, of what material is it?

10. Regarding the altar of the Most Holy Sacrament, in addition to the questions in article p: Is the Tabernacle fixed? Of what material is it? If it is made of marble, is it lined internally with wood, adorned with white silk or brocade? Or is it covered with gilded metal? Is the door well secured? Does it fit tightly, almost hermetically? Is there a silver key, or at least a gilded

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metal key? Who keeps it? Is the Tabernacle provided with a cope according to the rite? Is any image or relic ever placed above the Tabernacle? Is there a canopy suspended above the altar of the Most Holy, or is it supported by columns? Is there at least one lamp always lit near the altar, day and night? Is there a balustrade for Communion? Has the abuse been introduced, for this purpose, of allowing women to stand on the steps of the altar? With what frequency are the Holy Species renewed?

11. Regarding the main altar, if it is different from the altar of the Most Holy, in addition to the questions in article p: In what manner is it arranged? Is it distant from the apse? Is it oriented towards the east? Does it have a suspended canopy or is it supported by columns?

12. Is the sanctuary separated from the rest of the church? Are there gates that can be closed? Do lay people ever take their place there? Is there a bench for the ministers? The faldstools were prohibited by Pius VII; Sacred Congregation of Rites, September 1822, n. 2621, paragraph 6 (1).

(i) In accordance with the cited decrees, paragraph 6: "Can this abuse be tolerated, which is..."

[*Latin ed. p. 205*]

From the Sacred Congregation of the Apostolic Visitation, paragraphs 205, 1, 3: Of what material is the floor of the church? Is it well maintained? Are there any tombs, and are they securely closed?

14. Is there a fixed pulpit? Is there an organ? Does it require repairs? Are there choir lofts? Are they equipped with grates?

15. Are there any sepulchral monuments? Are there family tombs? If so, are the tombs located beneath the altars, or are they less than one meter away from them?

16. Are there paintings, sculptures, mosaics, or other works of art in the church? Are they well preserved and protected?

17. Is there a portrait of the reigning Supreme Pontiff, and in the Cardinalatial titles, the portrait of the esteemed titular cardinal? Where and how are they placed?

18. Are there confessionals? How many? Are they all in a well-exposed and conspicuous location? Are they well-maintained and clean? Are they securely closed? Do they have the image of the Holy Cross? Do they have the table of censures and reserved cases? Do they have metal grates? Are these grates cleaned frequently? Is the prescribed attire for the confessor observed, as specified in the Ritual? Is there a separate confessional suitable for the deaf?

19. Are there fixed collection boxes in the church for receiving alms? Are they locked with keys? Who keeps the keys? How often are the alms collected? How and by whom is the money counted? To whom is it delivered? Is an accounting given of it, along with the fixed revenues of the church?

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What is the average sum collected each year?

20. How many stoups are there for holy water? Are they placed in a suitable location near the doors? Is care taken to keep them clean? How often is the water renewed?

21. If the church is consecrated, are there on the walls the crosses *invaluit*, to be used during solemn Masses, the *sedecameral* for the silk damask vestments of the celebrant, the *loco scamni* adorned, and similar ornaments for the ministers; or rather, are these to be condemned and rejected? And the Sacred Congregation of Rites judged that the answer should be: "No, to the first part; yes, to the second."

[*Latin ed. p. 206*]

206. Estne lapis qui indicat consecrationem quae facta est?

207. Suntne in ecclesia cathedrae? Quibus pertinuerunt? Suntne in bono statu et purae?

208. Estne in ecclesia armarium vel custodia pro sacris unguentis? Estne interius ornatum serico purpurino? Estne sacca purpurina pro unguento infirmorum? Suntne phialae argenteae? Habentne signum crucis praescriptum in operculo? Habentne singulae inscriptionem propriam? Si sunt ex metallo alio, habentne phialam crystallinam? Conservantur unguenta cum cotone ut effusio impedatur?

209. Posseditne ecclesia reliquias? Ubi conservantur? Estne armarium ad hoc destinatum? Ubi? Estne interius ornatum serico rubro? Estne bene clausum clave? Quis custodit? Pro reliquiis insignibus Sanctorum, quae in martyrologio sunt, celebraturne sollemnitas cum officio et missa? Estne omnis relicarium bene clausum et munito sigillo? Ostendunturne omnes reliquiae Visitatori, cum documentis authenticationis, simul cum notitia distincta eorum, etiam quae sub altaris sunt positae, instructa omnibus informationibus amplissimis de quaelibet, circa originem, tempus quo ad ecclesiam pervenerunt, nomen donatoris. Pro reliquiis Sanctorum, primum notentur corpora integra vel paene integra, deinde insignes, deinde notabiles, denique minores. Notetur quod decreto Congregationis Rituum URBIS ET ORBIS die 2 Iunii 1899, n. 4041 (i), reliquiae (i) En citatum decretum: « Ad Sacram Rituum Congregationem proposita sunt dubia diluenda ab multis Ordinariis locorum; videlicet: I. Utrum pars anterior brachii, quae antibrachium dicitur, ab alia parte superiori eiusdem brachii separata, haberi possit ut reliquia insignis? II. Utrum idem sit dicendum de eadem parte superiori brachii, quatenus nempe et ipsa ut reliquia insignis haberi queat? III. Utrum cor, lingua, manus, si ex miraculo intactae conserventur, haberi debeant ut reliquiae insignes? Et Sacra Rituum Congregatio, re mature perpensa et exquisito voto Commissionis Liturgicae, ad tria proposita

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dubia rescribendum censuit: Affirmative ».

[*Latin ed. p. 207*]

From the Apostolic Visitation, 207: Relics, not only the skull, the entire arm, or the leg, or the part where the martyr suffered martyrdom, but also the forearm alone, or the humerus, and therefore by analogy also the tibia and the femur, nor are those parts, even small ones, such as the heart, the hand, the tongue, which miraculously remain intact, excluded.

25. Does the Church have a crypt? Does it have convenient access to it? Is it equipped with locked doors or gates? How many altars does it have? (The answer regarding the altars will be given as in article [previous]). Is it perhaps used as a storage area?

26. Is the facade of the Church decent and clean? Does it require restoration? Does it have a cross at its apex? Are there other coats of arms besides those of the reigning Supreme Pontiff and the titular or protector Cardinal? Whose are they? When and with what authorization were they placed there?

27. Does it have a bell tower? Is it well-maintained? Who holds the keys to it? Does it require restoration? How many bells are there?

28. Is there a public clock? Where? Whose expense is used to maintain and restore it?

29. Are there one or more sacristies? Are they well-guarded and protected? Are the doors secure? Are the windows equipped with iron grilles?

30. Does it have the necessary wardrobes? Is there a bench for the priests to vest? Are there separate and convenient cabinets for storing exclusively the chalices and other sacred vessels? What precautions are taken in providing the wine and hosts for the Holy Sacrifice?

31. Are there sufficient genuflectories with their respective tables for the preparation and thanksgiving of the Holy Mass? Is there a table for the *Silentium*? Is there a washbasin for the use of priests alone? Is there a separate one for the deacons? Where is the *Sacrarium*? Is it kept with due cleanliness?

32. Is there in the sacristy a list of the vestments? If so, describe the exact list, and for each vestment, specify...

[*Latin ed. p. 208*]

208. Ex Congregatione Visitationis Apostolicae, responsa ad quaestiones in formulario speciali transmittentur, qui mittetur. Superiores et administratores ex Secretariatu Visitationis numerum formularum necessariorum (i) eruerunt.

33. Num sunt libri ad notandum celebrationem Missarum legatorum? Missarum adventitiorum? Quomodo sacerdotes celebrantes celebrationem Missae notant; quoties pro singula Missa, an cumulatione, an solum cog-

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nomine? Omnes haec instrumenta Visitatore praesentabuntur.

34. Quis est delegatus ad accipiendum eleemosynam Missarum adventitiorum? Num tenet librum de matre et filia? Num dat quietanciam debita forma? Num reddit rationem Missarum acceptarum et Missarum in ecclesia celebratarum? Quotiens per annum? Cui? Cui traduntur eleemosynae Missarum superfluis ad celebrationem? Qualis est media annualis Missarum adventitiorum?

35. Ad celebrationem Missae sacerdotum foris observatur Notificatione Eminenti Card. Vicarii diei 18 Februarii 1903? (2) Haec Notificatio affixae est in sacrestia?

36. Ecclesia provisa est omnibus ornamentis sacris necessariis ad divinum cultum? Num habet argenteriam et alias res pretiosas vel opera artis? Paratus esto inventarium separatum omnium rerum mobilium; argenteriae et vasorum sacrorum, paramentorum, linteolorum, ornamentorum altaris, missalium et librorum liturgicorum et picturarum, etc., etc., quod Visitatore praesentabitur.

37. Quae functiones et sollemnitates celebrantur singulis annis in ecclesia? Notum faciatur. A cui sunt onera expensarum quae ad eas pertinent?

38. Ecclesia aucta est Indulgentiis? Pro quibus praxiis, diebus, per quale scriptum? Omnesne in vigore sunt? Notum distinctum teneatur. Documenta relativa Visitatore praesentabuntur. (1) Exemplar legatorum infra subnectitur (TV. R.). (2) Cf. Acta S. Sedis, vol. 36, p. 254.

[*Latin ed. p. 209*]

From the Sacred Congregation of the Apostolic Visitation, paragraphs 209, 3, and 9. In these latter times, have new devotions been introduced, or have new images been placed in the Church? When? By whom? Why? With what authorization? By what means are provisions made for these new functions?

40. In order to achieve uniformity of rite in all churches for tridua, novenas, and similar functions, and also in the blessing of the Most Holy Sacrament with the ostensorium or the pyx, it is necessary to describe minutely how these aforementioned functions are performed in the Church, which common prayers are recited, if approved, when, and by whom; how many lights are used; and what hymns are sung before and after the blessing.

41. Who are the priests who minister to the Church? (Surname, first name, parentage, place of origin, age, and residence). Do they receive a salary? What is the amount for each? Who bears this expense? By whom are they appointed? Are they all ready and diligent in performing their duty?

42. Who are the sacristans, clerics, singers, who is the organist, and the others who are dedicated to the service of the Church or the sacristy? (Surname, first name, parentage, place of origin, age, residence, whether single,

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married, or widowed, if they have another profession). What salary does each receive? Who bears the expense? By whom are they appointed? Are they ready to perform their duty?

43. Does the Church have its own fixed revenues? From what sources do they derive? Is there an administration? Where does it hold its office? Where are its meetings held? Of how many members is it composed? By whom are they appointed? For how long do they serve? What qualifications are required to be elected? Who are the current members? (Surname, first name, parentage, age, status, residence, and the position they hold in the administration, and the date of their appointment).

44. Who makes the proposals for expenses? Is the Rector of the Church consulted when it is a matter of the provisions requested for the worship according to the rubrics, or the directives of the ecclesiastical authority? Is an annual preliminary account drawn up? Is care taken in it, *Acta S. Sedis*, Volume XXXVII, page 3, 14.

[*Latin ed. p. 210*]

210 From the Sacred Congregation of the Apostolic Visitation: After all obligations have been satisfied and fixed expenses paid, is a fund maintained for unforeseen circumstances? Does this estimate always receive the approval of the Vicariate?

4. Who holds the money, and does he provide a guarantee? In what manner? Does he keep a record of fixed income and offerings? Are payments made by him under the mandate of the Superior? Are the corresponding justifications available? Are these justifications checked? By whom?

4. Is an annual accounting of the administration presented? Has the accounting always been approved by the Superiors? Has it also received the definitive and canonical approval of the Vicariate? Please include the active and passive accounts of the administration, and a copy of the most recent approved accounting.

4. Does the Administration have its own archive? Is it well-guarded and locked? Who holds the keys? Is there an inventory of all the writings, acts, documents, and parchments contained within it? A copy of the inventory will be presented to the Visitor.

4. Is there a strongbox, with two or three different keys? Who are the individuals who hold the different keys? Is the strongbox secure, well-defended, and guarded even at night? Are securities, financial instruments, money, etc., kept locked within it?

4. Regarding mortgage debts, is the expiration date of each mortgage taken into account? Has any capital ever been lost? When? Through the negligence of whom? Has any capital ever failed to be collected? When? Why? With what authorization? Was it reinvested? How? When? And is it still in the treasury? Why? Is there any capital, annuity, or rent at risk? Are

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there any debtors in arrears? What diligence has been used to ensure they are paid? Has any annuity ever been prescribed?

50. Is any simple Benefice or Chapel endowed within the Church? Who is the current holder? What are the obligations associated with it? Are these obligations fulfilled? A statement regarding this will be presented to the Visitor.

[*Latin ed. p. 211*]

From the Sacred Congregation of the Apostolic Visitation, section 21, paragraph 51. Does the Church have other daughter Churches under its authority? Where are they located, and which are they? Do they have only a simple hierarchical subordination, or also an administrative one? Who is the Rector of each?

SECTION II. Concerning Patriarchal Basilicas, Collegiate Churches, and Churches of any other jurisdiction. In addition to the answers to the questions in Section I, the following must also be answered:

52. When and by whom was the Chapter established?

53. How many dignities, canons, beneficiaries, clerical beneficiaries, mansionaries, chaplains, etc., are there? Are there any assistants? Are there any vacant prebends, benefices, or chaplaincies? Are there any of patronage, or of particular collation? Provide a separate list of personnel, indicating for each person the title of the Canonicate or Benefice, and the order to which they belong, as well as their surname, given name, parentage, place of origin, age, residence, and date of promotion. Also, indicate in the list the Canonicates and prebends of patronage, or of particular collation.

54. What is the choral vestment? What privileges and prerogatives have been granted to the Chapter as a body? What privileges have been granted to the canons as individuals? When, by whom, and by what act were these granted?

55. Is the choir well maintained, or does it require restoration? How and where is the divine service performed? Is it performed attentively, reverently, and devoutly?

56. Is the choral service daily? Is it divided by week? What are the days of common service? Were perpetual or temporary dispensations obtained from the Chapter for this service? When and by whom? Are there any jubilarians, or those who have some indulgence for absence from the choir?

57. What vacations from the choir are granted to each person in the Constitutions? And is the law of the Council of Trent observed regarding these? Has any privilege ever been obtained in this regard?

[*Latin ed. p. 212*]

212. Regarding the Visitations Apostolicae: When and by whom? The

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Rescripts will be presented to the Visitor.

58. Besides the choral Mass of the current Office, are the other conventual services prescribed by the rubrics also celebrated? Is the choral Mass offered *pro Benefactoribus*?

59. On the prescribed days, is the Office of the Blessed Virgin, the Office for the Dead, and the gradual and penitential Psalms recited? Was any dispensation obtained regarding this? When and with what document?

60. What is the schedule for the Divine Office? Is it observed with precision? Is there diligence in the choir? What is the appropriate time for entering the choir during each canonical hour? Is it permitted, and to how many, to celebrate Mass simultaneously during the time of the Divine Office?

61. Is a choirmaster elected in due time? How and by whom is he appointed? Does he perform his duties with fairness and rigor? Is the decree of the Council of Trent, Session 24, chapter 12, *de Reform.*, observed, which condemns not only collusion, but also any leniency in the matter of choral pointing? (The books of choral pointing in use will be presented to the Visitor.)

62. Is there a prefect of the choir? To whom does this office belong? The Prefect of the Choir must provide the Visitor with a written report on the progress of the Divine Office, indicating any abuses that have been introduced, and proposing remedies for them.

63. Is a prefect of music also appointed among the canons? What measures has he taken to ensure that the psalmody, singing, music, and the sound of the organ are regulated in accordance with the most recent dispositions of the Holy See and the decree of the Holy Congregation of Rites of January 8th of the current year? (1)

64. Does the Chapter have its own Statutes? To what period do they date? Were they approved, and by whom? Are they observed in practice? (1) *Cf. Acta S. Sedis, vol. 36, p. 329, 387 et 426.*

[*Latin ed. p. 213*]

From the Sacred Congregation of the Apostolic Visitation, is there a need to modify them? Are they observed? A copy of them must be presented to the Visitor. 65. How many times a month does the Chapter meet? Are the minutes recorded? The book of Chapter minutes will be presented to the Visitor. 66. Does the Chapter have its own archive? Does the lower clergy also have its own? Is it well guarded and protected? Who holds the keys? Is it kept in good order? Is there an inventory of all writings, acts, documents, and parchments, as prescribed by Benedict XIII in the Roman Synod? 67. Is the Chapter mass common or divided? From which funds does it derive its revenues? How and by whom is it administered? Regarding the administration, the treasury, the budget accounts, and the final accounts, etc., the answers will be given as in articles 43, 44, 45, 46, 47,

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48, and 49, except for those things for which a particular Chapter enjoys exemptions and privileges, of which, in such cases, the document will be presented. 68. What is the method for the distribution of revenues among the canons? How often is this done each year? Is the decree of His Holiness Pope Leo XIII, dated September 17, 1902, observed in this regard? (1) Does the current method present inconveniences that make some modification necessary? 69. On average, how much does a canon, a beneficiary, a cleric with a benefice, a chaplain, etc., receive? 70. Are there any prebends, and which ones, that have separate revenues? A statement of the assets and liabilities will be given to the Visitor. 71. Is the Chapter administration burdened by pious legacies? Is any particular prebend burdened by them? Note this separately, and for each legacy, answer the questions on the special form. (1) Cf. Acta S. Sedis, vol. 35, p. 238. This Decree is particular to the City [Romano]; indeed, with regard to the proceedings to be carried out in causes of beatification and canonization, it is superseded by the most recent General Decree of the Sacred Congregation of 1904, which we will present in the next fascicle. (N. R.).

[*Latin ed. p. 214*]

2i. 4 From the Apostolic Visitation, PARAGRAPH III. Concerning Parishes. In addition to the answers to the questions in Paragraph I, the pastors must answer the following:

72. Is the parish secular or regular? If regular, to which religious Order or Congregation is it entrusted?

73. When was the parish established, and by whom? By whom is the pastor elected?

74. What are the boundaries of the parish? (Include a map of Rome, marking with color the topographical extent of the parish.)

75. How many souls does it count? Are there non-Catholics within the parish territory? If so, what is their number?

76. Who is the pastor? Surname, given name, parentage, place of origin, age: where did he study; did he obtain academic degrees?

77. Where does the pastor reside? If there is no parish house, who provides for his lodging?

78. Who lives with the pastor? Indicate the number of people, surname, given name, age of each, their profession, their degree of kinship with the pastor, or their relationship with him as a lodger or servant.

79. Are there one or more assistant pastors? Who are they? (Surname, given name, etc., as in article 76). When and by whom were they appointed? If they do not live with the pastor, state their residence and indicate the people with whom they live, as in article 78. What is their remuneration? Who provides it?

80. Do other ecclesiastics reside in the parish? If so, provide a list: sur-

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name, given name, parentage, place of origin, age, offices, and benefices of which they are invested, where they ordinarily celebrate Mass, where they reside, with whom they live, as in article 78.

81. Which ecclesiastics offer their services to the parish, such as for the care of the sick, for hearing confessions, for celebrating Mass, for performing liturgical functions, and for catechesis?

[*Latin ed. p. 215*]

From the Sacred Congregation for the Visitation Apostolic, section 215, concerning [items]. (If they do not reside in the parish, and are not found in the list of article 50, provide a separate list of them). By whom are they appointed? Who provides for them? 82. What are the fixed revenues of the parish priest? What are the uncertain revenues, so-called "stola" revenues? For baptisms? For marriages? For funerals? For other functions? Describe accurately the income and expenses. 83. Does the church have a baptistery? Where is it located? Of what material is the basin? Internally, is there a place where the water flows from the head of the baptized, so that it does not fall into the basin? Is the water kept in a decent and clean manner? Does it have an ark to enclose it? Is it adorned internally? Is it externally covered with white linen? Is there an image of Saint John the Baptist? Is there a place to store the items needed for baptism? Is the spoon made of silver, or at least of pewter? Are the vessels for the oils and for the salt? Is the enclosure of the baptistery closed by gates with a lock? 84. Are there unbaptized children in the parish? Is it customary to wait a long time before bringing newborn children to the church for Holy Baptism? Are the midwives instructed to administer baptism in case of necessity? Are the prescriptions of the ritual observed concerning the imposition of baptismal names and the selection of godparents? What fees are collected by the parish priest? 85. Is baptism ever administered in private homes? If so, how often is the indult obtained? 86. Besides the catechism given during festivals, is a daily catechism course usually held to prepare the children for Confirmation and Confession? During what time of year is it held? What rule is followed for Confirmation? 87. What is the custom in the parish for admitting children to Holy Communion? Is a special catechism course always given, and is it administered by the parish priest? Is a triduum of at least spiritual exercises also given? Is the ceremony of First Holy Communion celebrated with appropriate and fitting [solemnity]?

[*Latin ed. p. 216*]

216 From the Solemn Visit of the Apostolic Visitation? With what? Describe it. How does the parish priest proceed with those who cannot be admitted to a pious House of Exercises? 88. Are the parish priest and his assistants ready to answer the calls of the faithful for confession and for Holy Communion? Is there frequent recourse to these holy sacraments?

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What means does the parish priest employ to promote this? 89. Is the parish priest, and are the assistant priests, diligent in the care of the sick? Is the parish priest always called to the bedside of the sick? Has it ever happened that any parishioner died without the sacraments? If so, what was the cause? 90. In what manner and with what ceremony is the Holy Viaticum brought? When is it brought solemnly, and as is commonly said, in a cloth? With what ceremony? 91. Is the sacrament of Extreme Unction administered always according to what is prescribed by the Ritual? 92. After the Holy Oil has been administered, are the sick assisted until death? 93. What is the custom regarding funerals? Are the fees, according to the various classes of funerals, observed according to the Statutes of the Roman Clergy? 94. How are the poor associated with the Church? 95. For the poor deceased, is there the custom of celebrating at least one Mass? At whose expense? 96. In the parish, is the explanation of the Gospel given on every feast day, and at what hour? By whom? Is the catechism of children also given, and at what hour? Is there an explanation of the same for adults? Are there classes for Christian instruction? Who are the teachers and mistresses? If there are holidays, let it be stated on which days, both for the explanation of the Gospel, and for the catechism of children and for that of adults. 97. Besides the explanation of the Gospel, is there in the parish the custom of any other preaching, for triduums, novenas, feasts?

[*Latin ed. p. 217*]

From the Sacred Congregation of the Apostolic Visitation, 217: During Lent, the month of May, etc.? Who invites the preachers? What compensation is given to them, and from what sources of revenue?

98. Is there a parish office in the rectory, or near the church? How many hours a day is it open?

99. Is there a well-maintained and secure archive, in a dry place? Are the books and registers of the parish kept in good order? When the aforementioned books are used according to need, are they immediately returned to the archive, or are they also left exposed outside? Who holds the keys to the archive?

100. Are there perhaps things or books in the archive that are not related to the parish? (An inventory of the documents and books contained in the archive will be made according to the order prescribed by the Roman Council of Benedict XIII, to be presented to the Visitor.)

101. Are the books for parish records made of handmade paper? Is black ink always used? What formula is used for the compilation of these records?

102. In the celebration of marriages, are the instructions recently issued by the Cardinal Vicar observed exactly? (1)

103. Has any custom been introduced, and what custom, in the celebra-

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tion of marriage, that is not in conformity with the Roman Ritual? Is it easy for the parish priest to delegate the celebration of marriages to others? For what reasons? What fees are charged by the parish priest for marriages? (A note should be drawn up according to the various classes.)

104. Are there in the parish people united in marriage religiously without the civil formalities? How many? For what reason?

105. Are there in the parish people united only by the civil bond? How many? What practices have been carried out to bless these unions in the Church?

106. Are there serious scandals in the parish?

107. Does the parish priest personally celebrate the Mass for the people on all feasts, even those suppressed? And is it ever transferred? (1) *Citatam Instructionem invenies infra pag. 222.* (You will find the aforementioned instruction on page 222.)

[*Latin ed. p. 218*]

218. From the Sacred Congregation of the Apostolic Visitation: Is the application [of certain practices] made on other days? Does he record the number of times the celebration takes place in a designated register?

108. Do the Parish Priest and the Assistant Priests always reside in the parish? Do they ever all leave the parish at the same time? Do they ever remain away for entire days? With what permission?

109. Is there a chapel of the Most Holy Sacrament in the parish church? Are there other pious sodalities established? Since when? Are they approved?

110. Are there other churches and public chapels in the parish? What are their names and locations? Who is the rector? (If the rector does not reside in the parish, it should be stated where he resides and with whom, as in article 80).

111. Besides those of the parish church, are there other confraternities in the parish? How many? What are their names?

112. Are there also pious sodalities and congregations, circles, recreational groups, night schools, and similar works of Catholic Action? How many? What are their names? Who is the director? What is the address?

113. Are there public schools, colleges, seminaries, boarding schools, nurseries, and kindergartens? By whom are they directed? What is the address?

114. Are there religious orders of men in the parish? How many? What are their names? What is the address? Who is the superior?

115. Are there religious orders, congregations, and other female institutes? How many? What are their names? What is the address? Who is the superior?

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116. Are there churches, institutes, or recreational facilities, schools, etc., of non-Catholics in the parish? What are their names? What is the address? What is the date of their founding? What is their purpose?

117. Does the Parish Priest promote the work of preserving the faith in his parish?

118. How many private chapels are there in the parish, and in which families? A list should be given, along with the house number.

[*Latin ed. p. 219*]

From the SACRED CONGREGATION for Episcopal Visitation, PARAGRAPH 219 IV. Concerning Confraternities.

119. What is the name of the confraternity? When was it founded?

120. Does it have its own church? Where? Under which parish? If lacking its own church, where do the confraters assemble and celebrate their functions? (Regarding the church or chapel, the answer to these questions will already have been provided in Paragraph I).

121. Does it have its own statutes? Were they approved? When and by whom?

122. What is the distinctive attire of the confraters?

123. How many confraters are there? Who are the officials? (Provide a list of all the confraters: surname, given name, parentage, place of origin, age, condition, profession, and residence, along with the office they hold within the confraternity, to be presented to the Visitor).

124. Are the elections of the officials held regularly, according to the statutes?

125. What is the purpose of the confraternity, and what are the requirements for being admitted to it?

126. Does the confraternity have a Protector, a Primicerius? Who are they?

127. Does it have one or more priests as chaplains? Who appoints them? Do they obtain the approval of the Vicariate? What salary is paid to them? Does the confraternity also provide them with lodging? Who are they currently?

128. Are the priests chaplains treated with the respect due to their priestly character by the confraters and by the officials themselves?

129. Are the provisions for the sacred services, especially the maintenance of chalices, sacred vessels, vestments, missals, and similar items, made according to the requests of the chaplain? Does he give notice of these requests to the officials? With what consideration are complaints received?

130. Are the confraters diligent and assiduous in the exercises of piety

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prescribed by the statutes?

[*Latin ed. p. 220*]

220 From the Sacred Congregation for the Apostolic Visitation, section 13, question: What functions and feasts are customarily held by the confraternity? (Provide a list). Do the confreres participate in them? Do the officials have a place in the sanctuary? By what indult? By whom was it granted? Do the confreres serve as altar servers? Perhaps even as masters of ceremonies?

132. Who extends the invitation to the priests for the sacred functions? For the celebration of Mass and for preaching? What method is followed in the selection? Does the chaplain propose them? To what extent are they compensated?

133. Does the confraternity have its own revenues? Does it have its own administration? If so, answer articles 43, 44, 43, 46, 47, 48, and 4p.

134. Are collections taken up in the church? Answer as in article, hypothesis 1.

135. Does the confraternity have bequests to fulfill? Who is responsible for fulfilling them? Answer the questions posed in the special form for bequests.

136. Does the confraternity have affiliated sister organizations? What are the obligations and benefits of the sister organizations? Do they participate in functions? Which ones, and in what manner? Do they have a special habit or distinguishing mark?

SECTION V. For Seminaries and ecclesiastical Colleges, for the Regular clergy of both sexes, and for other pious works subject to the Apostolic Visitation. All Superiors of Seminaries, Colleges, Religious Families of both sexes, and of any other pious work, must answer the questions that will be presented to them in a separate document. If some of these institutions have a public church or chapel, they must answer the questions in Section I.

WARNING. Rectors of churches and Superiors of institutions burdened with pious bequests must request from the Vicariate as many copies of the form containing the special questions for them as are needed, and must answer separately for each bequest.

NOTE. If, in preparing the report, anyone has information...

[*Latin ed. p. 221*]

From Section 221 of the Statutes of the Apostolic Visitation, concerning the Sacred Visitation, which He [the Apostolic Visitator] deems to be of a confidential nature, it is not understood that He is thereby excused from communicating them; rather, He will write them on separate sheets, which, sealed in an envelope, He will send to the Most Reverend Cardinal Vicar.

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The Decree of the Sacred Apostolic Visitation, by mandate of the Most Holy Lord Pope Pius X, by the force of the present Decree commands and enjoins all and each Superiors and Administrators, whatever their designation, of Patriarchal, Collegiate, Parochial, Conventual, Sodality, Seminary, and Collegiate Churches, and other pious places under ecclesiastical jurisdiction within the City and its District, that within two months from the date of this Decree, or at the latest not later than May 31st, they must, according to the aforementioned order and arrangement, prepare in writing, and present and submit to the Sacred Visitation the status of their own Church, Chapter, Parish, Convent or Monastery, Sodality, College or Seminary, and any other pious place, expressing everything that is appropriate, and omitting what is not appropriate, attesting, under oath, that they have sincerely and faithfully written down everything, and that they have omitted nothing that has come to their knowledge; after which time, the Secular clergy shall remain suspended from the receipt of the fruits of Benefices, Parishes, etc., and the Regular clergy, of both sexes, shall remain suspended from their Office and its administration, until they present their status. Finally, they shall keep a copy of the presented status in their archives for the perpetual remembrance of the matter.

Given in the Sacred Visitation, on March 8, 1904.

PETER RESPIGHI, Cardinal Vicar, President of the S. V. A.

Brother Maurus Bernard Nardi, Titular Bishop of Thebes, Secretary of the S. V. A.

[*Latin ed. p. 222*]

From the Vicariate 222 of the City. INSTRUCTION from the Most Reverend Cardinal Vicar to the Parish Priests of the City concerning the celebration of marriages. PIETRO DEL DELLA of the Holy Office of the Roman Rota, PREACHER, SANCTIFIED by Rome, of the Most Holy and of his Four Cardinals, N. S. CORONATI, RESPIGHI, GENERAL VICAR, DISTRICT JUDGE, ORDINARY. To remove the many, and sometimes most grievous, harms that arose to the souls of the faithful from the Offices of the Notaries of the Vicariate no longer being in accordance with the conditions of the times, the Holy Father, moved by paternal affection and deeply concerned for the eternal salvation of those, with a Motu Proprio dated today, abolished such Offices, and entrusts the conduct of ecclesiastical affairs to the Secretariat of the Vicariate, to be carried out through an Office of Chancery, composed of ecclesiastical persons designated by the Cardinal Vicar for the time being. Among these ecclesiastical affairs, which the aforementioned Secretariat will begin to handle next coming Monday, are, Venerable Brothers, of great importance, and therefore deserve special attention, the acts that must precede the celebration of marriages, in which you are now entrusted with a greater involvement. Therefore, to facilitate the exercise of your pastoral ministry with regard to these matters, and so that everything

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may proceed in a uniform manner, with the greatest possible accuracy and diligence, we have determined, and indeed do determine, the following rules: I. The Parish Priest, to whom the celebration of the marriage belongs, must first receive from the betrothed the consent for the future marriage, using the printed forms recently approved by Us.

[*Latin ed. p. 223*]

From the Vicariate of the City, Section 223, Paragraph II. When receiving consent, the baptismal certificates and certificates of confirmation which the contracting parties must present, if they are unmarried, must be carefully examined, and in the case of widows, those of the celebrated marriage and of the death of the spouse. Certificates originating from another diocese (and likewise, any other document) must be authenticated by that ecclesiastical curia and by our Chancery.

Paragraph III. From those who, after reaching puberty, have resided in another diocese for six continuous months, a certificate of freedom of state, issued by the Ordinary of that place, is required. Non-diocesan residents shall present the original certificates of baptism, confirmation, and freedom of state. These certificates shall be kept in the new Chancery Office, and the marriage shall not proceed without first obtaining from that same Office a license, signed by Us or by the Monsignor Vicegerent.

Paragraph IV. Those who have served in the military for no less than six months shall be admitted to take the supplementary oath before our Chancellor, upon request (using the corresponding printed form) signed by the Parish Priest, and with the testimony of two persons, or the presentation of their discharge papers. Likewise, those who, either by profession or for any other reason, have been absent, shall take the supplementary oath in order to prove their freedom during the absence; and for these, two witnesses are also required, who shall declare that they know them as such, and that they know nothing contrary to the freedom of their state.

Paragraph V. Having observed the prescriptions of the four preceding paragraphs; having performed the banns in the parish of the contracting parties, and also in the parishes where one or the other of them has the same domicile, or quasi-domicile; having waited at least two or three days from the last publication, and having obtained the certificate of the publications performed in other parishes; when no canonical impediment is reported, it is...

[*Latin ed. p. 224*]

224 From the Vicariate of the City, where civil proceedings have been initiated; the parish priest may, without further ado, proceed with the celebration of the marriage.

VI. When there is a reasonable reason to request a dispensation from the canonical banns, application must be made in writing to Us or to the

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Monsignor Vicegerent, but it must be presented to Our Chancellor. This application must state the names, surnames, and domicile of the future spouses, the consent given by them, and the canonical reason for the dispensation. It must also be signed by the parish priest, to whom the celebration of the marriage belongs, who shall also attest to the truth of the matters stated. If the reasons for the dispensation should remain concealed, the parish priest shall communicate them to the aforementioned Chancellor by a confidential letter, or even verbally.

VII. The application for a dispensation from the banns must be accompanied by the necessary affidavits and other documents, as mentioned in the preceding paragraphs.

VIII. Those applying for a dispensation from the banns (and likewise, those who require an affidavit of freedom of state in order to contract marriage elsewhere) must produce at least two witnesses, who shall testify under oath regarding their freedom, the absence of any kinship, and any other canonical impediment.

IX. The witnesses must be known to Our Chancellor, who is delegated to receive the testimony, or known to another person who is known to the Chancellor himself, and who testifies to the suitability of those individuals to render testimony in accordance with the canonical regulations. They shall then be examined separately from one another, as the simultaneous examination of witnesses is not permissible. Those who are not known will only be admitted to examination if they present a certificate from their parish priest, which proves their domicile and suitability to testify, or if they are presented by the parish priest himself, in which case the fact itself serves as the document.

X. Petitions for pontifical dispensation, from some canon-

[*Latin ed. p. 225*]

From the Vicariate of the City of Naila, all impediments to marriage, accompanied by the necessary documents, must be clearly stated, and the canonical reasons for which the dispensation is requested must be indicated. In a separate document, the Parish Priests must: 1° Attest the truth of the matters presented in the request; 2° Declare whether, and in what manner, they have prudently endeavored to dissuade the parties from the intention to contract marriage; 3° Manifest conscientiously their own opinion regarding the same. XI. For all the aforementioned acts preceding the celebration of Marriages, the Reverend Parish Priests, by the will of the Holy Father, must perform their duties gratuitously, as must be the attestations of Baptism, of Cresima, and the Publications performed, etc. XII. For each marriage, a file will be formed containing the act of consent of the future spouses and all other documents pertaining to the marriage itself. These files, arranged in order, will be jealously guarded in the parish archive. These are, Venerable Brothers, the norms that We have deemed

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necessary and sufficient for this purpose. The zeal with which you exercise your ministry, and the love that you bear for souls, give Us the assurance that they will be diligently observed by you. Thus, reverence for the great Sacrament in the Church will increase, a Sacrament so deserving of veneration, especially since the world today so often disregards its sanctity. May the grace of the Most Holy God be with you, and may it console you in your labors, under the auspices of our blessing, which We impart to you with all our heart. Given from Our Residence, this day, April 5, 1902. PIETRO, Cardinal Vicar. Pietro Can. Checchi, Secretary.

[*Latin ed. p. 226*]

22. From the Diary of the Roman Curia. DIARIUM CURIAE ROMANAE. In the month of August, 1904, Pope Pius X, through letters from the Secretariat of State, granted the following honors: namely, to the Marquis D. Giulio Sacchetti, the Grand Cross of the Order of Saint Gregory the Great; to Commendator Edmund Puccinelli, the commendatorship of the Order of Pius; to Paulo Ceccopieri, the commendatorship of the Order of Saint Gregory the Great; to Aloysius Martinucci, to Commendator Caesari Rossignani, to Knight Raphael Molinari, to Knight Frederick Mannucci, and to Knight Constantino Sneider, the commendatorship of the Order of Saint Sylvester; and finally, to Peter Costa, the equestrian dignity of the Order of Pius.

2. He appointed the Illustrious and Reverend D. Caesar Gismondi, Prior of the Venerable Chapter of Saint Mary in via Lata, as Domestic Prelate.

3. He included Reverend Father Joseph Haegg, from the Congregation of the Holy Spirit, among the Consultors of the Sacred Congregation of Rites.

4. He granted the medal *Benemerenti* to Aloysius Gnoni and to Fortunato Bevitori.

5. He added the Illustrious and Reverend D. Joseph Calasanctius Vives y Tuto among the Illustrious Cardinals composing the Sacred Congregation of Rites.

6. He established a special Commission for examining the reports of Apostolic Visitators in Italia and for proposing remedies that appear more necessary and opportune. This Commission consists of the following Illustrious Cardinals and Reverend Prelates: namely, the Illustrious Dñ. Vincentio Vannutelli, Prefect of the Sacred Congregation of the Council; Francisco de Paula Cassetta; Casimiro Gennari; Andrea Aiuti; Felice Cavagnis; and also the Reverend D. Caietano de Lai, Secretary of the Sacred Congregation of the Council; Basilio Pompili; and Scipione Tecchi.

7. He elected the Illustrious and Reverend D. Cardinal Dominic Ferrata as Protector of the Religious Benedictine Nuns of the Most Holy Sacrament in Seregno.

8. He appointed Reverend Father D. Ambrose Agius, O.S.B., from the

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Cassinensi Congregation of the primitive observance, as Apostolic Delegate in the Philippine Islands.

[*Latin ed. p. 227*]

From the Diary of the Roman Curia, September 22, 1904: His Holiness was pleased to:

1. Appoint the Most Reverend Monsignor Charles Perosi, Father Aloysius a Tabia, O.C., Father Benedict Oietti, S.J., and Father Bernardinus Klumper, O.M., to the number of Consultors of the Sacred Congregation of the Council.

2. Appoint the Most Reverend and Excellent Monsignor Franciscus Ragonesi, Vicar General of the Diocese of Viterbo, as Apostolic Delegate and Extraordinary Legate to the Republic of Colombia, and as Archbishop of Myra.

3. Appoint the Most Reverend Monsignor Joseph Petrelli, Secret Chamberlain, as Secretary of the Apostolic Delegation in the Philippine Islands.

4. The Most Reverend Monsignor Petrus Joseph Geay, Bishop of Vallis Vidonis, spontaneously resigned from the administration of the diocese, which had been canonically conferred upon him by the Holy See, into the hands of His Holiness. Also, the Most Reverend Monsignor Albertus Leo Le Nordez freely resigned into the hands of His Holiness his own resignation from the Episcopate of Divionensis.

On July 29, 1904, the Sacred Congregation of Bishops and Regulars was held in the Apostolic Palace at the Vatican, in which the following causes were proposed for discussion, according to the custom of the same Sacred Congregation, and were resolved according to law:

1. Turin. – Patronage. The question was proposed: Whether and how the sentence of December 11, 1903, should be confirmed or revoked. Answer: According to the decisions and in accordance with the law.

2. Rome. – Use and usufruct. The question was proposed: Whether the monastery of the Most Holy Apostles Andrew and Gregory on the Caelian Hill is owed the use and usufruct of three chaplaincies and adjacent places, together with a small garden, existing in the church of Saint Gregory in the aforementioned case. Answer: According to the law. It is understood that the Sacred Congregation, while admitting in the Reverend Chapter of the Liberians the property and usufruct, judges it to be in accordance with equity that the Religious of the Monastery of the Most Holy Apostles Andrew and Gregory on the Caelian Hill continue to exercise in the aforementioned chapels and adjacent places the acts which they have, in fact, exercised until now.

[*Latin ed. p. 228*]

228 HERE. Diary of Melitene. - Translation of the Roman Curia of the

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Confraternity. 0. I. Whether the Confraternity of the Blessed Virgin Mary of Carmel, established in the parish church of Birchircaria, ought to remain in its present state. 2°. Whether it should be transferred to the church of the Discalced Carmelites in Birchircaria, or rather to the church of the Calced Carmelites of Saint Julian. 3°. Whether it should be suppressed, with the reservation of the right of both families of the Order of Carmelites to establish new Confraternities of Carmel in their respective churches. R. To 1°, to 2°, and to 3°, considering all things, it is to be transferred from the distinguished parish collegiate church to the church of the Discalced Fathers of Carmel, with the reservation of the right of the Calced Fathers to establish a Confraternity in their own church. IV. Savonen. 0. - Funerals. 1°. Whether the matter pertains to the choice of burial in the case. 2°. Whether the Reverend Father Prior has violated the parochial rights in the case. R. To 1°. Affirmative. To 2°. Negative.

[*Latin ed. p. 229*]

DECREES OF THE HOLY SEE: LETTERS whereby Pope Pius X commends the Salesian Institute and the Association of Salesian Cooperators (i).

TO THE BELOVED AND MOST CHERISHED SON, MICHAEL, RUPERT, PRIEST OF THE SALESIAN ORDER, MODERATOR OF THE ASSOCIATION, IN AUGUSTA TAURINORUM.

PIUS PP. X. Beloved Son, health and the Apostolic blessing. If benevolence is to be shown according to merit, We indeed feel a great affection for you. For, besides the meritorious Salesian Institute, which flourishes widely throughout the world, the Reverend Father John Bosco, of the Diocese of Turin, moved by God to form Christian youth, founded, in the year 1841, the Association of Salesian Cooperators. As Pope Pius IX defined it on May 9, 1876, it is "a body whose members propose to exercise, in a short time, many works of piety and charity, and especially to take care of poor and abandoned children." All the faithful, whether clergy or laity, or even women, can be admitted into it, and it forms a kind of Third Secular Order. The Association is absolutely subject to the jurisdiction of Bishops and Parish Priests in all matters pertaining to religion. The Rule of the Salesian Cooperators is easily followed and imposes no obligation on the conscience. This same Rule demonstrates the need for all the faithful to be united in doing good to the Lord, "for united, the force is greater; a triple cord is not easily broken, according to the Scripture." It establishes a strong bond of this union within the very Association. Furthermore, it sets forth the purpose intended by the Cooperators, the manner of cooperation, whether spiritual, moral, or even material, and finally, the obligations of the members, as well as the indulgences, privileges, and graces granted by the Supreme Pontiffs. (N. R.).

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Acts of the Holy See, Vol. XXXVII, page 4. 15.

[*Latin ed. p. 230*]

23. We have long observed that the Salesian Society strives with constant progress to attain the highest honors. Inspired by an illustrious man, in whom the example of Christian virtues shines, a prince of charity, who, striving with pure and singular dedication to glorify God, has brought great benefits to the community of men, undertaking numerous works throughout the world to perfect their virtues, without neglecting any aspect of the present times. We have also seen and confirmed, and know, that this Society has grown wonderfully, not only in the number of members who live according to its common rule, but also in the addition of those who, having received its help and having enjoyed the sacred benefits of its cooperation, are associated with it. This demonstrates and declares that the Salesian Society is most dear to the Christian people, to whose sanctity it serves, and to whose benefit it dedicates itself. Therefore, it is pleasing to commend this Society to every faithful person, to every diocese, to every city, to every parish, so that all may embrace it with the same will and growing grace, especially because the Salesian Society is entirely devoted to the Christian formation of youth, a matter of the greatest importance given the present circumstances, which, as is well known, have greatly increased our concern, and should therefore incite the will of all the faithful to every kind of support. They will have acted most wisely if, under the name of "co-workers," they support the Salesian family: in this way, their efforts will be of great benefit to themselves and to the Society, and will not cause them any trouble. Since the Salesian co-workers have always received a singular and excellent sign of favor from both our predecessors, Pope Pius IX and Pope Leo XIII, may God grant them eternal rest, and since this treasury of sacred indulgences has never been lacking, we wish to reiterate and renew these testimonies of benevolence, and for that reason, we grant all and every indulgence.

[*Latin ed. p. 231*]

Address 23: To the esteemed group of collaborators, the privileges previously granted are also conceded by Us with the most favorable will (1). Furthermore, We add from the depths of Our heart the wish that this same order of collaborators, so distinguished by its remarkable merits, and which, as We have been informed, has already reached a number of three hundred thousand members, may attain greater and ever-increasing growth, and that, through the grace of God, wherever the spirit of the venerable Father Salesian is fostered, or love is nurtured, it may be amplified with new members, especially with the favor and care of the Bishops. Moreover, Our zealous affection for the Sodalitas is testified by this Apostolic blessing, which We impart to you individually and to all the members, in the Lord.

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Given in Rome, at St. Peter's, on the seventeenth day of August, in the second year of Our Pontificate. PIUS PP. X.

ADDRESS: Which Pope Pius X delivered to the Commission of Parisian pilgrims concerning the love of God for France (2). If We did not already have other reasons to give the most joyful welcome to the beloved pilgrims of France, it is because (1) Indulgences, privileges, and graces, which Pope Pius X has either confirmed or newly granted to the Salesian Collaborators, page 270. (2) On September 23, 1904, Holiness promised the following discourse, which is summarized below (N. R.). The Reverend Odolin, General Vicar of the Archdiocese of Paris, delivered the following address on behalf of the Commission of pilgrims in Lutetiae: "Most Holy Father, on behalf of His Eminence Cardinal Richard, Archbishop of Paris, the President of the National Committee for the Fiftieth Anniversary of the Immaculate Conception has the honor of presenting at the feet of Your Holiness the tribute of respectful and filial affection from the pilgrims who have come to Rome from various provinces of France and its capital."

[*Latin ed. p. 232*]

It would suffice to have the recommendation of the Venerable Archbishop of Paris, in whose name, Your Eminence, you have presented them to Us. However, a special reason gives them further distinction: when Pope Pius IX proclaimed the dogma of the Immaculate Conception on December 8, 1854, France responded with enthusiastic acclaim; she showed herself once again to be what she has been throughout her long history: *Regnum Galliae, Regnum Mariae*. Some years later, Mary herself came to take possession of France, appearing to a humble child in the Grotto of Lourdes and saying to her: "This place, blessed by crowds, is where I am the Immaculate Conception." Since then, she has drawn in countless pilgrims from all parts of the world, and she answers the prayers of these vast crowds with graces and miracles that are constantly renewed. But how can one speak of Mary without speaking of her divine Son? France was chosen by Him for consoling revelations concerning His Sacred Heart: and, after two centuries of waiting, she has now erected, in Montmartre, in honor of that Sacred Heart, the Temple that He requested, through a humble religious of Paray-le-Monial, to be built and dedicated to Him, so that He might make known the full extent of His mercies. But Jesus Christ has a representative on earth, the Pope, His Vicar. France loves the Pope; she has always loved him: her history proves it; she has the devotion of the Pope; she is happy to contemplate the sweet figure of the Pope. As with Pius VII, she delighted when he visited her at the beginning of the last century; as she delighted in coming to Rome to contemplate the gentle figure of Pius IX, the great figure of Leo XIII, so she is happy today to contemplate the figure of Pius XII, radiating that paternal goodness that wins the hearts of all. The Catholic France is eager to hear the word of

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the Pope, that word which establishes the truth, clarifies duty, indicates the goal, encourages, and strengthens both individual and social action. Yours, Most Holy Father, is the rock, the stimulus, the complete Christian instruction, to contribute, under the guidance of the Bishops, to the great work that Your Holiness entrusts to the zeal of all: *instaurare omnia in Christo*. It is heard, understood, and obeyed by all Catholics of France. We pray you, Most Holy Father, to bless our beloved homeland. Despite its present trials, France remains, and, despite appearances to the contrary, yes, she remains always the eldest daughter of the Church, through her numerous and vibrant vocations, through her missionaries who carry out the apostolate throughout the world in proportion to her population, fulfilling the command: *ete omnes gentes* [Go, therefore, and make all nations disciples].

[*Latin ed. p. 233*]

Address 233, deserving of Our benevolent attention, and it is that they have come to Rome on the occasion of the 50th anniversary of the definition of the dogma of the Immaculate Conception, to solemnly affirm that France is the kingdom of Mary, and that, therefore, as the Venerable Virgin of Orléans, Joan of Arc, proclaimed, France is the kingdom of Jesus Christ. Therefore, you, dear sons, could not give Us greater consolation in these moments when We are deeply grieved by all that is happening to the detriment of religion in your homeland. Indeed, your presence confirms Us in Our conviction that God loves France because He loves the Church, and that, since He protects His Spouse, He also desires the salvation of His beloved daughter. Yes, God loves France, because of the numerous works that she has founded for the salvation of souls; works which, like the waters of a majestic river, spread their beneficial influence in all directions. God loves France, because of the peaceful conquests of her intrepid Missionaries, who go to bring the light of faith to the less known regions of the earth and in the midst of the darkness of idolatry. Through the Gospel, she has been honored by the Holy See with the prerogatives attached to the protection of Christians in the East. Nothing will break the age-old bonds, the bonds that are more than millennial, which unite France with the Holy See. We pray you, Most Holy Father, to bless us, our families, our friends, our works. Among these are 200 priests, vicars, and pastors from France, who request a particular blessing from the beloved Pontiff, who, like them, bears the labors of the holy ministry and has also borne the weight of the day and the heat. Blessed by you, Most Holy Father, we shall return to France with courage, confidence, and zeal for action, an action full of unity and concord. For us French Catholics, Rome, Lourdes, Montmartre, and Paray-le-Monial form a quadrilateral that renders impregnable the fortress

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of our hope.

[*Latin ed. p. 234*]

234 God loves France, because, although she has not always corresponded to the mission entrusted to her by Him, nor to the privileges He granted her to fulfill that mission, He has not left her ingratitude unpunished, and He has raised her up by that very hand which chastised her. God loves France, because even in these times of persecution and anguish, He calls His sons to the sanctuaries of Montmartre, Paray-le-Monial, and the Grotto of Lourdes, to pray, to weep, and to marvel at the wonders of His omnipotence. God bestows such graces only upon the nations He wishes to save. God loves France, because He incites His sons to manifest their faith through devotion to the Church, through attachment to the Apostolic See, and through love for the Vicar of Christ, leading them, even at the cost of sacrifices, to the Chair of Peter to hear the word of truth, to receive guidance in their works, and to be strengthened in the struggles they must endure: a nation that has such sons must not perish. Therefore, beloved sons, this is a consolation that We share with you. Upon your return to France, carry with you not only hope, but the certainty that Our Lord Jesus Christ, in the infinite goodness of His merciful Heart, will save your homeland, always keeping it united with the Church, and that, through the intercession of the Immaculate Virgin, He will bring about the dawn of better days; for this pilgrimage, so edifying, will further strengthen your faith, will give new impetus to your piety, and will establish a great example to be followed by all your brethren. With the same affection, We bless France, and first of all your noble Episcopate, which, for the sake of religious interests and the salvation of souls, displays an unwearying zeal. We bless with all the outpouring of Our soul the Vicars General, the Curés, and their parishes, and all the...

[*Latin ed. p. 235*]

From the Sacred Congregation of the Holy Roman and Universal Inquisition, 235 priests, praying to God that He may grant them the sweetest consolations in the exercise of a ministry full of fruit. Finally, we wholeheartedly bless you all, dear pilgrims, your families, your friends, and your works, so that you may labor with ardent courage and complete confidence in the help of Heaven. May this blessing be a source of constant consolations for all those who are present here today, and for those who have remained afar.

PIUS PP. X.

ACTA ROMANAE CONGREGATIONIS

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Ex S. Congr. S. R. et U. Inquisitionis

Concerning a dispensation from the law of fasting and abstinence in Austria for those engaged in military service.

Most Blessed Father, the Archbishop of Vienna, prostrate at the feet of Your Holiness, explains as follows: In a petition dated November 2, 1898, the Archbishop of Prague, the pious Cardinal Schönborn, humbly presented to Your Holiness, considering the keen duty of those engaged in military service (that is, auxiliary military service, destined to defend the borders of the country), which, according to the law, is subject to the care of the civil clergy, that it would be fitting to grant those engaged in military service the same dispensation from fasting and abstinence from meat as is customarily granted by the Holy Apostolic See to those engaged in itinerant ministry.

[*Latin ed. p. 236*]

236 From the Most Holy Congregation of the Holy Roman Church and of the Inquisition, for this reason, the aforementioned Archbishop humbly petitioned in the name of the Bishops of Austria, that the obligation of stable military service might be absolved by the precept of fasting and abstinence, in the same manner as is granted to those in vagrant military service. Regarding this petition, a definitive resolution from Your Holiness has not yet been received. Since those engaged in stable military service are required to endure the same hardships and fatigues in exercises, campaigns, and in fulfilling their other duties as those in vagrant military service, and according to the common doctrine of the most esteemed authors, soldiers, whether in camps or in permanent stations, are excused from observing the law of fasting due to the demands of their labor; the petitioner, in the name of the Bishops of Austria, most devoutly requests that Your Holiness graciously grant to those engaged in stable military service within the jurisdiction of Austria the same dispensation from fasting and abstinence from meat that is customarily granted to those in vagrant military service, namely, that the Austrian episcopate be granted the faculty of dispensing those individuals assigned to stable military service from the precept of fasting and abstinence during Lent and other times of the year, with the exception of Saturdays, Fridays, and the Vigil of the Nativity of Our Lord Jesus Christ. The Most Holy Lord Pope Leo, by Divine Providence the XIII, during a customary audience with the Reverend Father and Doctor, Assessor of the Holy Office, having heard the report concerning the aforementioned petition, together with the opinions of the Most Reverend Lords, Consultors, and the Most Reverend Lords Cardinals, Inquisitors General in matters of faith and morals, graciously granted that each Reverend Lord Bishop of Austria, according to their prudent judgment and conscience, may grant a dispensation from the law of abstinence to those soldiers who are actually serving in camps or fortifications, for a period of seven years, with the

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exception of only two days, namely, the Vigil of the Nativity of Our Lord Jesus Christ and on Fridays. Regarding the dispensation...

[*Latin ed. p. 237*]

From the Holy Congregation of the Holy Roman and Universal Inquisition, it is declared that nothing in the law of fasting prevents Reverend Lords Bishops from following the teachings of approved authors concerning the exemption of soldiers from that law due to the demands of their labor. Notwithstanding any contrary opinions. L. ″f* S. I. Can. MANCINI, Holy Roman and Universal Inquisition, Notary. Whether it is permissible to swallow small paper images of the Blessed Virgin Mary in order to obtain health. Rome, from the Holy Office, on August 3, 1903. Most Reverend Lord, By letters signed on March 11 of this year, Your Eminence inquired whether it would be considered permissible to swallow small paper images of the Blessed Virgin Mary, either dissolved in water or rolled up like pills, in order to obtain health. The matter having been brought under examination, in a meeting held on July 29 of the current year, the Most Holy Supreme Congregation of the Holy Office, specially delegated during the vacation of the Holy Apostolic See, decreed that the following should be answered: Provided that all vain observances and the danger of ingesting them are removed, it is permissible. May you be well in the Lord, most sincerely. IOANNES BAPTISTA LUGARI, Assessor of the Holy Office. f S. Fr. Thomas Maria, Archbishop of Seleucia, General Commissary of the Holy Office. TO THE ARCHBISHOP S. IACOBI OF CHILE.

[*Latin ed. p. 238*]

238 From the Sacred Congregation of the Holy Roman Church and (7) of the Inquisition: It is permissible to use natural, potable water, even if acidic, gaseous, or alkaline, in the Holy Mass. Rome, from the Holy Office, August 11, 1904. To the Most Illustrious and Reverend Lord, With a letter of February 22 of this year, addressed to the Most Eminent and Reverend Cardinal Secretary of this Supreme Congregation, Your Eminence inquired whether it is permissible to use natural, potable waters, even if acidic, gaseous, or alkaline, in the Holy Sacrifice of the Mass. To alleviate your concerns, I hasten to respond that there are no serious reasons to doubt this. I wish you every good from God, and with sentiments of the highest esteem, I declare myself Your Eminence's most humble and obedient servant. *f> S. Deviti o Servo Assessore del S. O> GIAMBATTISTA LUGARI, To the Most Illustrious and Reverend Lord, MONS. BISHOP OF ANGLONA AND TURSI. The dispositions, which caution against the ordination of clerics into the priesthood before the completion of military service, are obligatory. Thursday, August 31, 1904. The following question was presented to this Supreme Sacred Congregation and Congregation of the Inquisition for clarification: Are the dispositions, by which it is cautioned that clerics subject to military

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service should not be promoted to the higher orders before the completion of said military service, obligatory, or merely directive? Furthermore, in the general Congregation held before the Most Eminent and Reverend Lords Cardinals, General Inquisitors, concerning the aforementioned...

[*Latin ed. p. 239*]

From a question posed to the Most Holy Congregation of the Holy Roman and Universal Inquisition, with the vote of two Consultors, the same Eminent and Reverend Fathers were commanded to respond: Affirmative to the first part; Negative to the second (i). On the following Friday, the first of September, 1904, during the usual audience of His Most Holy Lordship, Pope Pius, of Divine Providence, Pope, with the Reverend Fathers present as Assessors, the Most Holy resolution of the Eminent and Reverend Fathers was approved. L. "f* S. I. Can." MANCINI, Notary of the Holy Roman and Universal Inquisition. (i) Soldiers who are engaged in secular military service are prohibited from receiving the sacred orders, according to canon 2, 4, and 5 of Dist. 5, according to canon 1 of Dist. 53 in the Decree of Gratian, and also according to canon 82 of the Apostles. The reason is that military life, due to the lack of freedom and the corrupting influences, is incompatible with the clerical state. In recent times, military service in almost all regions, especially in Italy, has become obligatory, even for those who desire to embrace the clerical or regular state. Therefore, the Congregation of the Holy Office, as soon as the infamous law of military service was extended to the clergy of Italy, on September 16, 1875, issued instructions to the Bishops of Italy, indicating certain norms, precautions, and prescriptions regarding such clergy subject to military service, and among other things, ordered that the promotion to the sacred orders be postponed until after the completion of military service; see Acta S. Sedis, vol. 23, p. 40 or 44, no. 1. Then, in 1892, the Holy Congregation on Regular Discipline sent a similar instruction to the Superiors General of the Regular Institutes of Italy concerning those subject to military conscription, prescribing, among other things, that the solemn profession and admission to the sacred orders should be delayed after the completion of military service; see Acta S. Sedis, vol. 25, p. 635, no. 1. The question is asked, whether the Instruction of the Holy Office, concerning secular clergy, has a binding or merely directive force, when it states that military service must be completed before receiving the sacred orders. And the Holy Office has responded that such provisions are binding. This precept, if we are not mistaken, applies to secular clergy in Italy, but not to others outside of Italy; for whom the aforementioned provisions have only a directive force. The same distinction must be made with regard to regular clergy in Italy or outside of Italy, concerning the reception of the sacraments and the solemn profession. Indeed, both Instructions are addressed to the Bishops of Italy, are written in the Italian language, and were given because of

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the infamous law promulgated by the Italian government; see Gasparri (Tract, de S. est Ordinatione, vol. I, no. 542). The current response of the Holy Office is declaratory, not extensive, of the aforementioned provisions. Indeed, secular clergy in Italy are prohibited from ascending to the higher orders when they are required to complete military service of three or five years, but not...

[*Latin ed. p. 240*]

From 240 S.C. Episcoporum et Regularium: DECREE of the HOLY CONGREGATION OF BISHOPS AND REGULARS concerning the granting of letters of dispensation to students of Congregations of simple vows, who are not attached to a particular house, to enter Orders. Since, by a special Indult of the Holy See, the Superiors General of recent Congregations, in which only simple vows are professed, are commonly granted, for a certain time, the faculty of granting to their subjects letters of dispensation to receive Orders, with the condition that these letters be addressed to the Bishop of the diocese, within whose limits the pious house where the ordinations take place is located, unless he is absent or will not be administering the sacrament of Orders, a certain question has arisen, which was recently brought before this Holy Congregation of Bishops and Regulars by the Most Eminent and Reverend Cardinal F. M. B. Richard, Archbishop of the Paris diocese. Indeed, the aforementioned Archbishop explained that it often happens that members of such Congregations or Institutes, where they have made their first profession of vows, even if only for one year, as clearly appears from the very words of the Instruction of the Holy Office; whereas, on the contrary, religious in Italy are required to complete military service, even for one year voluntarily, before the sacred ordination and solemn profession. Furthermore, the same Instruction of the Holy Office states that it does not expedite the matter, but rather allows, until the age of 26, for clerics to undertake voluntary military service for one year or even three years, and in the meantime to be promoted to the sacred Orders; whereas, this is not the case for religious. Similarly, in the Rescript of the S.C. concerning Regular Discipline, it is stated that, on July 22, 1901 (cf. Acta S. Sedis, vol. 35, p. 253), it is not permitted for young clerics in Italy, who intend to go on foreign missions, to make their solemn profession before the age of 26 and to be promoted to the sacred Orders, and then to be excused from military service according to Italian law. Finally, it must be noted that, even in Italy, clerics can receive the tonsure and minor Orders, and religious can make their simple profession, before completing military service. (N. R.).

[*Latin ed. p. 241*]

Decrees concerning a certain Institute are inscribed in the house. Those sent to the Parisian seminary by their superiors, for the purpose of study,

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remain there for one or more years, leading a communal life with the other students of that same seminary. Furthermore, the question arose as to which Bishop the respective superiors are obliged to send letters of dismissal, for the ordination of such members, and a great contention arose concerning this matter, with some holding one opinion and others another; therefore, it was earnestly requested that the authority of this Holy Congregation should decide what is to be observed in these cases. Moreover, it is manifest that both the old law concerning Regular Canons with solemn vows, insofar as it is relevant to the matter, and the recent concessions of the Holy See, have presumed that every religious or member of an Institute is always bound to a particular monastery or house; which, according to what has been explained, is not actually the case. Therefore, the same Holy Congregation, having maturely considered the entire matter, decided that letters of dismissal, in the cases mentioned above, should be addressed to the Bishop of the diocese in which the aforementioned students are engaged in their studies, provided that they have remained there for at least a full year, or after they have so remained; observing in all other respects the form and tenor of the respective concession. After a report on the foregoing was made to His Most Holy Name, Pope Leo XIII, of blessed memory, during an audience held by the undersigned Cardinal on May 30, 1889, His Holiness deigned to approve the decision of the Holy Congregation, and ordered that it be observed by all to whom it applies, notwithstanding any contrary provisions. Given at Rome, from the Secretariat of the aforementioned Holy Congregation, on June 7, 1899. L. S. S. Card. VANNUTELLI, Prefect.

[*Latin ed. p. 242*]

242 From the Sacred Congregation of Bishops and Regulars of MATRID. Concerning the incorporation of a certain monastery and the transfer of its goods. A case study. Due to laws that, at the beginning of the past century, prohibited the reception of new novices by nuns in Hispania, the cloistered community of the Franciscan nuns, commonly known as "Nuestra Señora de los Ángeles" in the city of Tolosae, was reduced to only two sisters, the Abbess having also passed away. Therefore, these sisters requested incorporation into another monastery of the same Order, by their own Provincial, Father Espinosa; who, in turn, decreed in 1847 that the community, commonly known as "N. S. de Constantinopla," should be subject to the obedience of the Abbess. Meanwhile, the Concordat, concluded between the Holy See and the Government of Hispania in 1851, stipulated that the Government should only approve those religious communities that had been proposed by the ordinary diocesan bishops; and subsequently, in 1852, the official gazette of the Kingdom declared that only one community should be formed from the aforementioned monasteries of N. D. Angelorum and N. D. Constantinopolitanae, as well as S. Clarae.

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Furthermore, since certain funds were to be provided to the community of N. D. Angelorum by the Municipality of Matriti, the Prelature of N. D. Constantinopolitana requested the same, but with an entirely different outcome. Indeed, the Archbishop of Matriti, considering the community of Angelorum to be extinct, and in light of the agreement between the Holy See and the Government of Hispania of 1867, whereby vacant goods of extinct communities were assigned to the pious diocesan fund, obtained those same funds that had been promised by the Municipality of Matriti. At that time, the Abbess requested her rights from the Archbishop himself; but the diocesan court declared that the funds in question should not be restored. Therefore, the Prelature of N. D. Constantinopolitana appealed to the Holy Sacred Congregation.

[*Latin ed. p. 243*]

Madrid, 24th. Decrees of the Archbishop. The fiscal prosecutor, in the first place, argues that the two surviving nuns of the monastery of Our Lady of Angels (Puebla) were never incorporated into the monastery of Our Lady of Constantinople. Indeed, according to canon law, in every monastery, the number of nuns must be at least twelve, so that the divine worship in their churches is not lacking, and that regular discipline may be maintained; as is stated in the Constitutions of Gregory XV, and also of Urban VIII, Pope, Concerning the pastoral office, of Pius V, Of Divine Worship, of Gregory XIII, Of Holy Things, of Clement VIII, Absolutely None, of Paul V, Most Holy, of Innocent XII, Recently, of Innocent X, For the Restoration; and also from the Council of Trent (Session 23, chapter ß concerning Regular Canons). However, the community of Our Lady of Angels, not possessing the canonical number of nuns, should be considered extinct, and therefore cannot be aggregated to or incorporated with another community. Furthermore, the prosecutor of the Curia argues that the Franciscan Provincial Father had no authority to carry out the incorporation, because he himself was a regular prelate, and he had not received a mandate from the Bishop of Toulouse, to whom alone this right belonged, according to the Council of Trent (Session 23, chapter 3, j, p concerning Regular Canons). There exists a report signed by the Prelate of Our Lady of Constantinople, which speaks of the aforementioned incorporation, but its authenticity is not at all proven; indeed, everything suggests that it was fabricated by those who had an interest in it, in order to receive a pension from the Government. It cannot be denied that, at the request of the Bishop of Toulouse, the three aforementioned communities were united into one by the Government in the year 1852; but this disposition only intended to ordain persons coming from the extinct communities; which ordination would be useless, if a true incorporation already existed. Finally, the prosecutor concludes that, since it is clear from the above that the incorporation was not carried out in this case, the

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legitimate heir and representative of the extinct community of Our Lady of Angels is 4.

[*Latin ed. p. 244*]

244 From the Sacred Congregation of Bishops and Regular Canons, the Bishop of Matritensis [Madrid], in whose diocese those goods were located and were situated. Indeed, an instruction between the Holy See and the Government of Hispania, initiated in the year 1867, attributed the goods of suppressed corporations to the ordinary diocesan authorities. Objections of the Abbess. The advocate, above all, observes that the fiscal procurator seeks to confuse the concept of a perfect religious community, in order to pertain to certain of its functions, with the concept of a legal entity with respect to the rights inherent in the Institute, which are to be transmitted. Certainly, it is true, he says, that Innocent X, by the Bull *Instaurandae*, suppressed monasteries containing fewer than 12 persons, but only for men, and for Italia and the adjacent islands, but not for Hispania; Cf. Ferraris (Bibl. can., v. conventus, art. 2, n. ij). Moreover, the reduction of the community to only six, according to the Decree of Innocent X *Ut in parvis*, does not import the extinction of the convent, but rather its subjection to the Ordinary. The community, as a legal entity, can be represented even by a single individual, in whom all the rights of the College are consolidated; Cf. Ferraris (Bibl. can., v. Collegium, n. f), Bouix (De iure Regularium, vol. I, p. 89), all of whom are unanimous doctors. Therefore, the advocate concludes that the monastery of N. D. Angelorum, since it consolidated its rights in two surviving members, could lawfully transfer those rights by a legitimate act of incorporation to another convent. And such an act occurred. For, in the year 1847, two religious of N. D. Angelorum requested incorporation into another Institute of the same Order, and it was decreed that they should be subject to the obedience of the convent of N. D. Constantinopolitana. And Father Espinosa did not lack legitimate authority. Indeed, the monastery of N. D. Angelorum was properly a distinct Order, with solemn vows, and therefore exempt from the jurisdiction of the diocesan Ordinary, and subject to Regular superiors. And by the name of Regular superior, not only the General Superior is meant, but also the Provincial, who possesses jurisdiction almost as a bishop.

[*Latin ed. p. 245*]

Madrid, February 5, 1844; Cf. Piat (Praelationes iuris regul. vol. I, p. 493). The power of these Prelates over the religious subjects extends, as Pellizzarius teaches (De Monialibus, c. X, sect. i, n. 38), "to all those things to which the power of a regular Prelate extends over the religious men subject to him." Furthermore, regular Prelates can incorporate monasteries subject to them, because incorporation is nothing other than a species of union, as all Doctors teach; Cf. Wernz (Ius Decr., vol. 2, p. 33p). Indeed, it

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is certain that unions can be made by regular Prelates with full or quasi-full jurisdiction; for, as Barbosa says (Ius eccl. univ., vol. 2, n 39, p. 30): "These Prelates can, within their dioceses (or with respect to persons and things subject to them), exercise all those things pertaining to jurisdiction which can be exercised by their Bishops." It cannot be objected that the Institute of Our Lady of the Angels, consisting of only two members, has reverted to the jurisdiction of the diocesan Ordinary; for such jurisdiction is not exclusive to the Bishop, but cumulative with the regular Prelate, as decreed by the Sacred Congregation in 1655 concerning the status of Regulars. Furthermore, in the case of cumulative jurisdiction, there is room for prevention. Then, the advocate proceeds to demonstrate that the decree of Father Espinoza implies a true incorporation, as is evident from the very words of the decree. This is confirmed by the fact that the two surviving nuns put on the proper habit of the incorporating community; indeed, a dispensation is requested from the same Provincial Father in order to retain the old form of the habit. Furthermore, there is a certain relationship between the communities, which points to incorporation; as well as a favorable vote of the incorporating community, which was issued in 1851 with the consent of the regular Prelates, for the sake of greater peace of conscience. Moreover, the advocate continues, the official gazette of the Government, approved by the Archbishop of Toulouse, states that one community should be formed from three convents: Our Lady of the Angels, the Most Holy Mother of God of Constantinople, and Saint Clare. Acta S. Sedis, Vol. XXXVII, page 4, 16.

[*Latin ed. p. 246*]

246 From the Sacred Congregation of Bishops and Regulars: Furthermore, even if true incorporation had been lacking, this was validated by the Bishop of Toulouse, according to Rule X of the law: "Ratification cannot be revoked and is not subject to mandate." Finally, the advocate argues that, even if canonical incorporation had not taken place, the property of the Convent of Angelorum should not be considered the property of the Bishop of Matritensi, but rather of the Convent of Our Lady of Constantinople. Indeed, apart from other considerations, the decree of 1867 attributed all the property of dissolved corporations, or those which had not been approved by the Ordinary, to the Bishops; but the community of Our Lady of Angelorum, as stated above, was not dissolved, but rather was united with another community, with the consent of the Bishop himself. Therefore, the advocate concludes, even setting aside the question of incorporation, by the force of law, the property of Our Lady of Angelorum should have passed to the authority of the Apostolic See, which, given the special circumstances, would certainly have applied it to the monastery of Our Lady of Constantinople, according to the doctrine handed down by Barbosa (Jus eccl. univ., vol. 2, n. 6, p. 100). Doubtful. Is the Bishop of

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Matritensi obligated to transfer to the Abbess of the monastery of Our Lady of Constantinople the funds, credited and relative, which were collected by the Municipality of Matritensi in this case? Resolution. The Sacred Congregation of Eastern and Regular Churches, after considering the matter, decided on March 12, 1904: Affirmative. Collations 0 i. In newly established monasteries, whether of men or women, at least according to the style of the Roman Curia, in addition to the consent of the diocesan Bishop, the Apostolic approval is also required (1). The Apostolic approval, because a great controversy, although more theoretical than practical, (1) We have stated that, at least according to the style of the Roman Curia, it is required among the Doctors.

[*Latin ed. p. 247*]

247. In Madrid. 2°. The same must be said when it concerns the incorporation of one religious house with another; the reason is that every legal entity must be extinguished for the same reasons by which it began to exist. 3. Furthermore, the rights of the Institute, as a legal entity, remain and are consolidated in all its members, except for one, in the single surviving member. 4. However, the goods consolidated in the single surviving member, when he transfers to another monastery, are acquired by the incorporating monastery. 5°. In the case of the incorporation of the community of N. D. Angelorum with another of N. D. Constantinopolitana, the incorporation was invalid from the beginning due to the lack of Apostolic approval; however, it was subsequently validated by the Concordat between the Holy See and the Government of Spain, initiated in the year 1851. 6°. Therefore, even the assets of the community of Angelorum are transferred to the other community of N. D. Constantinopolitana. Everywhere, the erection of new houses requires, according to universal law, the approval of the Holy See. On this matter, see recent treatises, vol. I, p. 244; Decrees, III, 648, vol. Mocchegiani, p. Piat, eccl., see Bouix, iuris reg., vol. Wermeersch, Jurisprudence and vol. 27, p. 6.34, etc. Prae!, vol. De I, p. Religiosis II. On the law regarding the Rule, p. 270; Wernz, Ius Institutis, vol. I, 147; Acta S. Sedis, p. 67; vol. I, p. 708. The opinion that is more commonly held and is to be followed, which, even by its opponents, receives the greatest weight, is derived from the recent Constitution of Leo XIII, Romanus Pontifices, in the year 1881, which also admits the necessity of obtaining permission from the Apostolic See even in regions. This Constitution, after having addressed the Apostolic consent for the foundation of religious houses, concludes as follows: "Therefore, the common opinion today is, which is favored by the authority of judgments in general, that it is not permissible for religious orders, either within or outside their own territory, to found new monasteries or convents or colleges, except with the prior permission of the Bishop, but also with the permission granted by the Apostolic See... For these reasons, in order to answer the question concerning the founding of new churches, and the

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opening of religious houses to the faithful, we say that the Ordinary of the place and the Apostolic See must first obtain explicit permission (N. dubium erigendo R.)."

[*Latin ed. p. 248*]

248 From the Sacred Congregation of the Council, concerning the raising and burying of bodies. Contrary to custom, the right of raising and burying the bodies of children who die in a foreign parish belongs to the proper parish priest. Case in point. In the diocese of Melevita, it had long been the custom that if someone died outside the boundaries of their own parish, their body would not be raised by their own parish priest, but by the parish priest of the place of death, who would bury it within the boundaries of his own parish and then hand it over to the proper parish priest. However, as the Bishop reports, after several decisions issued by the Holy Sacred Congregation that were contrary to this, this custom began to be rejected in almost the entire diocese, and the parish priests conformed to the common law, by which the bodies of the deceased are to be raised and buried by the proper parish priest. Only the parish priest of Sliema, who has served in that parish since 1884, and the curate of the parish of St. Julian, established in 1891, have resisted this new discipline. When, in 1900, Judge Lawrence Xuereb died in the parish of Sliema, where he had come for the purpose of burial, the assistant priest of St. Paul's Shipwreck in Valletta raised the body of his own son and took it to his own church. The parish priest of Sliema took this badly, and in order to protect his rights, he presented a petition to the Sacred Congregation, requesting that the aforementioned ancient custom be confirmed. When asked about this matter, the Bishop expressed his opinion, concluding that the petitioner's request should be rejected, because the invoked custom is opposed both by the Sacred Canons, which, with regard to burial, do not consider the place where someone dies, but where, while alive, they were accustomed to receive spiritual nourishment; and also by

[*Latin ed. p. 249*]

Melevitana 249 S. C. The decisions of the Council, especially concerning Bononia. - Interpretation of the decree, May 14, 1881; then finally, a new practice conforming to common law was introduced in the diocese, without any objection, except from two parishes of Sliema and St. Julian's. Observations of the parish priest of Sliema. The defender divided his argument into two parts, in the first discussing the existence of the aforementioned custom, and in the second, its legal value. Regarding the first, he stated that it cannot be denied that such a custom existed throughout the entire diocese of Melevitana until the year 1881, as the Bishop himself openly admits. However, he argued that whether this general custom still persists to the present day, especially in the parish of Sliema, is something that

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requires further demonstration. In truth, the parish priest of Attard, without any objection, removed all corpses from the asylum located within the boundaries of his parish. Furthermore, two parish priests of Floriana and Portus Salutis, due to the communal public cemetery, alternately remove all corpses from the central hospital of Malta that belong to any parish. Indeed, in the year 1882, a certain parish priest, in order to obtain a subsidy from the government for burying the corpses of the poor, claimed to be removing corpses from said hospital belonging to his own children; this claim was rejected by the Melevitana Curia, as it was contrary to the already existing custom. The parish priest of Sliema himself removes all corpses from the asylum, and no parish priest has objected; on the contrary, without any opposition, he has even removed corpses belonging to other parishes, including Portus Salutis. Then, since the Bishop maintains that said custom has ceased, the advocate presented several testimonies from parish priests that clearly contradict this. Finally, the defender concludes that the parish of Sliema was established in the year 1878, at which time the aforementioned custom had existed in the entire diocese for an immeasurable time, and that it has been maintained until the present day; therefore, even if it is admitted that this custom has been discontinued in some parish through the indulgence of the parish priest, it does not invalidate the custom itself.

[*Latin ed. p. 250*]

25. Since the matter has been referred to the Sacred Congregation and returned to the common law, this certainly does not hinder him, either because custom concerns not the land itself but the territory, or because an action taken among others cannot harm him. Secondly, the advocate presented his argument concerning the legal value of custom in the present controversy. And first of all, he pointed out that we are not dealing with the prescription of all parochial rights, as if we were dealing with the overturning of the parochial nature itself, but only with the prescription of a certain specific right. Indeed, the value of this centennial and immemorial prescription or custom is evident from the fact that it creates a presumption of a better title; Pitonius (Disputationes eccl., vol. I, disputatio g, no. 2f). Therefore, the Sacred Rota, in a case in Romana concerning Oblations, on January 26, 1726, did not hesitate to declare: "Even in ecclesiastical acts, a custom that prejudices or harms divine worship can establish a full and most complete presumption of any better title, and therefore also of the Apostolic Indult." And the advocate stated that this presumption holds with greater force in matters of funerals, because this right is not necessarily connected with parochiality, since it can also belong to a non-parochial church; Scarfant. (Addit. 48, no. pp). Hence, even a forty-year prescription can suffice with regard to funerals, as stated by Cardinal Petavius (Vol. II, in Constitution IX Innocent III, no. ff): "The legal presumption in favor of

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the parish priest (regarding funerals) does not have such a strong legal presumption that it cannot be overridden, at least by a forty-year prescription with a valid title." And this is confirmed by the example of the fourth funeral rite reserved to the parish priest of the deceased, whenever funerals pertain to others; which, according to Ferraris (Bibliotheca canonica, v. quarta fun., no. f), can even be prescribed for ten years. From the authorities cited, the advocate deduced that the elevation and association of the corpse, by virtue of immemorial custom, can more properly pertain to the parish priest of the place where someone died, rather than to the parish priest of the domicile. This theory...

[*Latin ed. p. 277*]

From the Sacred Congregation of the Apostolic Visitation, 277, 1, 5. Does the House have a novitiate? When and with what authorization was it established? Is it maintained in a separate place from the rest of the Community, according to the Constitution of Clement VIII? Are the laws that regulate it observed exactly? Do the novices apply themselves to studies? How long does the novitiate last? Has it ever been interrupted for some, in certain cases? Has it ever been prolonged? By order of whom? Why? For how long? 16. What are the requirements for being admitted to the Institute? During the novitiate and probation, is any pension paid, and what amount? For female Institutes, what dowry is required? 17. Before admitting to the habit or to profession, are spiritual exercises performed? For how many days? Are the Constitutions of Pius IX, "Romani Pontifices" and "Regulari disciplinae" of January 25, 1848, and "Neminem latet" of March 19, 1857, observed? Is the examination prescribed by the Council of Trent and by the Bull "Conditae" of December 8, 1900 (1), of the Most Holy Pope Leo XIII, performed? Have any young men who were still subject to military service ever been admitted to vows? What industries and precautions are used for young men who return to the Religious life after this service? 18. Is the regular observance in force? Has it undergone any relaxation due to the changed conditions of the times? With what authorization? Is the perfect common life in force? Have any concessions ever been made to Religious who claimed to be able to bear the expenses of certain treatments, baths, travels, and the like, with their own income or with other private subsidies? 19. Are the respective Constitutions read on the days and in the manner established by the rules? Are the Constitutions of Pius IX on admission to the habit, etc., and on testimonials also read? (1) Cf. Acta S. Sedis, vol. 33, p. 341. Acta S. Sedis, Vol. XXXVII, page 4. 18.

[*Latin ed. p. 278*]

28 From the Apostolic Visitation, sections 7 and C, concerning male and female institutes of lay brothers, the following is read from the Decree "Quemadmodum" of the Congregation of Very Reverend and Reverend

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Fathers, dated December 17, 1890? (1) 20. Does the institute have a choir? Is the entire Divine Office recited, or a shorter one? Are the rules observed exactly concerning the schedule and the manner of performance? Is it performed with dignity, attention, and devotion? Which liturgical calendar is used? 21. Is there daily conventual Mass? And is this always in conformity with the Divine Office recited? Are there other Masses? 22. Who appoints the chaplain or chaplains? Provide a list, including surname, first name, and residence. If the chaplain of the religious community resides in a building adjacent to the monastery, what is the separation from the community? If the community provides his sustenance, where, how, and with whom is he served? 23. If the institute has an external church, answer the questions pertaining to churches. If not, answer similarly to those questions regarding the main internal chapel, and any others that may exist. Is the Blessed Sacrament reserved in any chapel besides the church? With what authorization? If the church is a parish church, is there a separate office (sacristy) from the cloister, convenient for the parishioners, without causing disturbance to the community? 24. For male institutes of lay brothers and for female institutes: Who is the ordinary confessor? By whom is he elected or approved? With what delegation, oral or written? Are there other particular confessors? Provide their surname, first name, and residence. With what authorization? 25. For the religious community: Is there only one confessional, or more? Where are they located? What is their condition regarding proper separation, regarding the grates with their respective veils, and regarding the security of the secret? How are the instructions of the Cardinal Vicar of February 9, 1898 (2) observed in all these matters? (1) See Acta S. Sedis, volume 25, page 312. (2) See ibid., volume 31, page 248.

[*Latin ed. p. 279*]

From the Sacred Congregation of the Apostolic Visitation, sections 2, 6 through 32:

2. 6. Are extraordinary confessors permitted, according to the decrees? Is the extraordinary confessor called at the prescribed times? Do all the religious present themselves to him? Is the decree "Quemadmodum" observed? Were the dispositions contrary to this very decree removed from the rules or directories?

3. 7. When a religious, especially one who is infirm, requests an extraordinary confessor, is it granted without investigation? Is this temporary concession sometimes transformed into an almost permanent custom?

4. 8. In female monasteries with enclosure, how is the main gate guarded? Are there other doors with communication to the outside, or to the church or sacristy? How are these guarded?

5. 9. If there are external sisters, or if sisters are sent out, or if there are servants, or factors, or sacristans, what is their relationship with the

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community? Where do they live? What care is taken to ensure that these people practice piety? What rules are followed for the selection of doctors and artists, who, according to need, must enter the enclosure?

6. 0. How are the grates arranged? What rules are practiced to facilitate the Superior's supervision and to prevent the curiosity of the other religious? With what frequency and by whom are visits to the religious permitted?

7. 1. For monasteries, convents, or houses of religious men and women: What are the ordinary practices of piety of the community on weekdays? What are they on feast days? What are they on certain feasts or special occasions? Are spiritual exercises made every year? On how many and which days? With what method? Is strict silence observed on those days?

8. 2. For monasteries, convents, or houses of religious men: Is there a student residence in the house? Is it separated from the rest of the community? After the novitiate, are they admitted to the course of philosophy?

[*Latin ed. p. 280*]

28. From the Sacred Congregation of the Apostolic Visitation: Concerning young men who have not completed the entire course of the gymnasium, what courses of study are offered in the Institute?

29. Does any Religious serve as a teacher in schools separate from the Institute? Do some students also attend external schools? Which ones? Do some also attend the civil university? What precautions are taken for these, especially to ensure they maintain the spirit of religion? Have the Superiors ever had to take measures regarding inconveniences that have arisen in this regard?

30. From whom do the students receive permission to proceed to the sacred orders? Is the decree "Auctis admodum" of the Congregation of Religious, dated November 4, 1892 (1), observed concerning the years of Theology that must precede the higher orders?

31. For the Religious women who go as teachers or assistants to external institutions, or who attend normal or higher schools as students, what precautions are taken to ensure they maintain religious observance? Have the Superiors ever had to take measures regarding inconveniences that have arisen in this regard?

32. Do the Religious women who are assigned to assist the sick at home, even at night, always go in pairs? At what hour do they go out in the evening, and at what hour do they return in the morning? Have the Superiors ever encountered any inconveniences regarding this service? How have they addressed them? What proposals can be made in this regard?

33. Has it ever happened that any Religious or Religious woman was expelled from the Institute? In such cases, were the norms of the law observed, and especially those of the aforementioned decree "Auctis"?

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34. Has it ever happened that any Religious or Religious woman requested to leave the Institute after having made their profession? How many times has this occurred in the last thirty years? What norms were followed in the various cases?

(1) Cf. Acta S. Sedis, vol. 25, p. 523.

[*Latin ed. p. 281*]

From S. C. Visitationis 281, Apostolicae 39. Concerning the appointment and election of officers and positions within the Institute, were the prescribed rules always observed? Are these renewed at their expiration dates?

40. Does any of the religious priests hold an office in the Roman Congregations or at the Vicariate? Does he provide service as a confessor, director, preacher in other institutions, or as a collaborator in some external pious work? Provide a distinct note regarding this.

41. Is any religious a director, collaborator, or correspondent for periodicals, magazines, or newspapers? What is the nature of these publications? From whom was authorization obtained? Does any religious manage these publications? With what rules and precautions?

42. Are books or devotional objects purchased by any religious, either male or female, for the purpose of selling them for profit? In this regard, is there ever a violation of the sacred canons that prohibit clerics from engaging in commerce? Is there a violation of the decree "Vigilanti" of the Holy Congregation of the Council of May 25, 1893?

43. Does the monastery, convent, or house have its own revenues? Provide a statement of the active and passive accounts. How and by whom are these managed? If the administrators are external, the response should be as to articles 43, 44, 45, 46, 47, 48, and 49 of the questions proposed for churches.

44. Does the house have obligations and bequests to fulfill? Provide a distinct note regarding these, and respond to the questions in the special form for each bequest. Are alms for Mass offered by outsiders received? Are these noted in the register? Is an accounting rendered in the prescribed manner and at the prescribed times? In this regard, are the apostolic decrees observed?

45. For mendicant institutes and for monasteries of poor religious women, how is provision made? Is it through collections in public places?

[*Latin ed. p. 282*]

282 From the Apostolic Visitation: How are public visits conducted? With what permissions? Do the nuns observe the decree "Singulari quidem" of the Congregation of the Most Holy Fathers and Brothers, dated March 27, 1896? (1) 46. Do the Superiors of the Institute conduct

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periodic visits? When was the last visit made, and by whom? What directives were issued at that time? Have they been carried out? The Superiors will present these directives to the Visitor. 47. Does the Institute have schools, colleges, boarding houses, nurseries, workshops, infirmaries, or kitchens for the poor? Who bears the expenses for these institutions? Are pilgrims and external guests, even of different sexes, admitted into the house? What conditions must be met in order to be received as residents, students, or guests? Do they pay a fee? If so, what is the amount? 48. Are the students, pupils, residents, and guests appropriately separated from the community? Does their presence disturb the regular observance? Is there a fixed and suitable schedule for their departure and arrival, especially in the evening? 49. Is instruction of any kind given to the students, etc., by members of the internal community, or also by external persons? Who appoints these individuals? Does their presence harm the enclosure, if one exists in the house, or other rules of the Institute? Are there any measures to be taken in such a case? Provide a list of external teachers, including their surname, first name, age, status (whether celibate or married), and their residence and the parish to which they belong. 50. Are visits made to the schools and similar institutions by civil authorities? How and by whom are the examinations conducted? 51. If the students attend classes outside the Institute, to which schools do they go? Are they accompanied? By whom? Regarding the religious education and instruction of the students, and concerning their regimen and the facilities provided for them, (1) See Acta S. Sedis, vol. 28, p. 555.

[*Latin ed. p. 283*]

From the Sacred Congregation of the Apostolic Visitation, 283. In service of this Congregation, answers will be provided to the questions proposed for Colleges and educational institutions.

NOTICE. Superiors of institutions burdened with pious endowments shall request from the Vicariate as many copies of the form containing the special questions for these institutions as are needed, and shall answer separately for each endowment.

NOTE. If, in preparing the report, anyone has information concerning the Sacred Visitation, which they deem to be of a confidential nature, this shall not exempt them from communicating it, but they shall write it on separate sheets, which, sealed in a closed envelope, shall be sent to the Most Reverend Cardinal Vicar.

For Seminaries, Colleges, and similar educational institutions. These are the questions that are proposed to the Superiors and Heads of all Seminaries, Colleges, and similar educational institutions, to which they must respond with all truth, and with the greatest clarity and precision. A copy of these questions, with their respective answers, will be deposited in the archives of the institution itself; the other copy will be sent to the Most

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Reverend and Reverend Monsignor Secretary, at the offices of the Congregation of the Holy Apostolic Visitation, in the Palace of the Chancery, no later than May 31st of the current year.

P.S. If, in order to provide a complete report on the state of the institution, one has information not included in these questions, it may be added on one or more separate sheets.

1. What is the name of the College, Seminary, or Institution? Where is it located?

2. When and by whom was it founded? For what purpose? With what authorization?

3. Does the Institution have its own Patron? Who is he? When and by whom was he appointed?

4. Is the building the property of the Institution? To whom is it registered?

[*Latin ed. p. 284*]

284 From the Sacred Congregation of the Apostolic Visitation:

1. Concerning the lodging: To whom does it belong? How much is paid for the lodging?

2. Is the building sufficient for the needs? Are repairs necessary? Which ones? Who is responsible for providing them?

3. Are there nearby dwellings, shops, or workshops that could cause distraction or disturbance? Are there windows, balconies, or terraces belonging to neighboring tenants from which one could view the building?

4. Who are the current Superiors, Directors, and Professors, or the Superior and Directors of the Institute? Do they receive a salary? What is it? Indicate their surname, given name, parentage, place of origin, age, the place where each person studied, their academic degrees, and if anyone lives outside the Institute, state where and with whom they reside, as in article 18 of the questions for churches, etc.

5. How many students (male and female) are there? How many are in each dormitory? Indicate their surname, given name, parentage, place of origin, age, and class on a separate sheet.

6. What requirements must students (male and female) meet to be admitted to the Institute? What tuition do they pay?

7. Does the Institute have free or partially free places? When and by whom were they established? Who administers the funds of these benefactions?

8. What is the distinctive attire of the students (male and female)?

9. Do the students have internal schools? Which ones? Do they attend external schools? Which ones?

10. If some clerical students attend secular secondary schools, what pre-

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cautions are taken to ensure they maintain their ecclesiastical spirit? Have the Superiors ever had to address any inconveniences arising from this?

11. Are external students also admitted to the schools of the Institute? Do they belong to religious communities or other ecclesiastical colleges? Which ones?

12. In seminaries, are lay external students also admitted? To which schools? Is there a disciplinary regulation for these?

[*Latin ed. p. 285*]

From the Sacred Congregation of the Apostolic Visitation, Nos. 285, especially:

1. Have the Superiors ever encountered any inconveniences in this regard? What inconveniences?

2. What are the curricula of the various schools? Are these schools recognized for civil purposes? Who approves the curricula and textbooks for ecclesiastical studies?

3. What is the weekly schedule for the various subjects in each course of study? To what extent is the study of the Catechism taught in the elementary, technical, gymnasium, and lyceum courses? In the theological course, to what extent is the study of Liturgy, Pastoral Theology, and Gregorian Chant taught?

4. Does the Institute have its own library, especially for philosophical and theological studies? What rules govern the use of the library by the students? A catalog of the books will be presented.

5. When does the academic year begin and end for each course? How many days of vacation are there during the academic year?

6. Each year, where, how, and before whom are the final examinations given? Are other examinations given during the course of the year? Do academic presentations or defenses take place? Where, how, and before whom? What fruit is derived from them? Are academic degrees conferred? Which degrees? Are prizes awarded to the best students? By what means?

7. Who are the prefects or assistants of the dormitories? State their surname, given name, parentage, place of origin, and age. If they are clerics, by what authorization and permission are they appointed? Do they attend schools in the Roman seminaries? Which schools? How are they compensated?

8. Does the Institute have its own internal regulations? When and by whom were they approved? (These will be presented.) Has experience shown a need to introduce any modifications? Which modifications?

9. Does the Institute have its own archive? Is it well-guarded and locked? Who holds the keys? Is there an inventory of the documents? (This will be presented to the Visitor.) In the records, are [certain documents] pre-

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served?

[*Latin ed. p. 286*]

286 From the Sacred Congregation for the Apostolic Visitation, are the annual notes and evaluations regarding the progress in studies and the conduct of the students, both male and female?

24. What is the schedule of common activities on holidays? On school days? On days of vacation? What are the practices of piety that the regulations prescribe each day? What are they on holidays? What are they on days of vacation?

25. On holidays, do the clerics attend the sung Mass and Vespers? In the church of the Institute, or in another? Which one? Regarding the external or internal church, if there is one, and regarding the chapels, the answers will be given as for the questions regarding the churches.

26. Are special practices of piety used for the external students (both male and female)? On holidays, do they, in addition to Mass, receive an explanation of the Gospel and the Catechism?

27. How frequently do the students, both internal and external, receive the Sacraments?

28. Who are the chaplains and confessors appointed for the students, both male and female? Are there any extraordinary confessors? Who appoints them? State their surname, given name, parentage, place of origin, and place of residence.

29. Each year, when and how are the students, both male and female, given spiritual exercises? How many days do they last?

30. Does a monthly or bimonthly retreat take place in the seminaries? What care is taken to discern the vocation of the clerics? What efforts and precautions are used for those returning from military service?

31. Do the schools, dormitories, and sleeping quarters have sufficient air and light? Is there a separate room for the infirmary?

32. Are all the rooms of the Institute maintained in perfect cleanliness and according to the rules of hygiene? Who is responsible for the supervision in this regard?

33. In the dormitories of the students, both male and female, what is the distance between beds? Who is responsible for the supervision of the dormitories during the night? Are they sufficiently illuminated?

[*Latin ed. p. 287*]

From the Sacred Congregation of the Apostolic Visitation, 287, 34. If the students, whether male or female, have separate rooms for sleeping, how are they supervised during the night? Is there the practice of locking them?

35. What care is taken to ensure that the students, whether male or female, grow healthy and robust, concerning recreation, bathing, and walks?

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What rules are given by the Superior, or the Superioress, regarding the most suitable places for walks, so that these may be beneficial to health, and not dangerous due to worldly contacts?

36. What is the usual regimen for food in the Institute? Do the Superiors ensure that the food and beverages are wholesome, well-prepared, and served to each person in the necessary quantity?

37. During the autumn holidays, do the students, whether male or female, return to their families? Does the Institute have a place for vacationing? Where? And is it sufficient for the purpose?

38. What rules are followed in the Institute regarding visits by outsiders to the students, whether male or female? Is there a room designated for this purpose? Has there ever been a case in which persons of the opposite sex are admitted inside the Institute?

39. In the Institute, are congregations, recreational activities, circles, meetings, and gatherings of external persons, whether young or girls, adults or ladies, held, especially on holidays, to protect them from dangers, to keep them in the spirit of religion, or in the practice of charity? State the purpose of these activities and the fruit derived from them.

40. In the Institute, especially during Carnival, are theatrical performances and similar entertainments given? Where are they held? Perhaps in a sacred place? What persons are invited? What precautions are taken? What rules are in place for the selection and approval of the performances? Have the Superiors or the Superioress ever taken measures regarding this?

41. Besides the tuition fees of the students, whether male or female, does the Institute derive income from other sources? What are they?

[*Latin ed. p. 288*]

288 From the Apostolic Penitentiary: Regarding the active and passive state; concerning the administration, the response shall be given as in articles 43, 44, 45, 46, 4J, 48, and concerning the questions for churches, etc., 42. Who appoints the individuals responsible for the services of the Institute? How many are there? Do they all reside within the Institute? Do they have easy access to the students, especially those who are external students, particularly for correspondence? Who supervises their conduct and ensures their proper attendance at the Sacraments? Provide a list of the individuals responsible for the service, indicating their surname, given name, parentage, place of origin, age; state whether they are celibate or unmarried, or widowed, or married, their place of residence, under which parish, the service they provide, and the salary they receive. 43. Is the Institute burdened with endowments for Masses or other pious obligations? The response shall be given for each endowment on a special form. WARNING. Superiors of Institutes burdened with pious endowments must request from the Vicariate as many copies of the form containing the special

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questions for these endowments as are needed, and the response must be given separately for each endowment. NOTE. If, in preparing the report, someone has information regarding the Sacred Visitation, which they consider to be of a confidential nature, this shall not exempt them from communicating it, but they shall write it on separate sheets, which, sealed in a closed envelope, shall be sent to the Most Reverend Cardinal Vicar. FROM THE APOSTOLIC PENITENTIARY, NEOCASTRE. Concerning the determination of poverty for matrimonial dispensations in Italy. The Bishop of Neocastre requests that a certain norm be established for him, which, among the many opinions of the Authors, should be followed.

[*Latin ed. p. 289*]

From the Sacred Penitentiary, 289. Concerning the terminating status of poverty or near poverty of Orators for matrimonial dispensations. And God, etc. The Sacred Penitentiary responds to the aforementioned: "Until otherwise is determined by the Holy See, adherence must be given to the decree of Benedict XIV, issued by the Holy Congregation of the Holy Office on the fifth day of the week, September 26, 1754, according to which, with regard to matrimonial dispensations, the poor in Italy are considered to be those who live solely from labor and industry, and also those who possess some goods, but not exceeding the sum of three hundred Roman *scuta* in the capital (that is, 1612 and 50 *lire*), while those who are considered nearly poor are those whose goods do not exceed the sum of one thousand *scuta* in the capital (that is, 5375 *lire*), from whom, however, a slight increase in taxes is usually demanded from nearly poor persons." (i) Given in the Sacred Penitentiary, on January 20, 1904. ALEXANDER CARCANI, Regent. L. "f S. I. Palica, Secretary. (i) By mandate of the Most Eminent and Reverend Cardinal Seraphin Vannutelli, Major Penitentiary, we willingly give again the present Rescript, because what was omitted, which was an opportunity (N. R.), occurred in the first publication, due to certain controversies.

[*Latin ed. p. 290*]

From the 2nd Commission for the Preservation of the Faith: STATUTE OF THE CARDINAL COMMISSION FOR THE WORK OF THE PRESERVATION OF THE FAITH.

I. The Cardinal Commission has the supreme direction and protection of the Work. It will be composed of the Cardinal Vicar for the time being, who will preside over it, four other Cardinals, and a Prelate Secretary.

II. The Cardinal Commission is assisted by a Prelate Council, an Administrative Board, and a Committee of gentlemen. To this will be added another committee of gentlemen, and there will also be Stewards and Stewardesses.

III. The Cardinal Commission has full authority over all affairs of the

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Work and reviews the work of the Administrative Board. It is exclusively responsible for examining and submitting to the approval of the Holy Father the various projects intended to ensure the proper functioning of the Work through certain revenues. The Cardinal Commission appoints the members of the Administrative Board and the heads of the Committee.

IV. The Cardinal Commission will meet on the first Sunday of each month, in the hall of the Sacred Congregations in the Vatican at 9:30 AM, and in extraordinary circumstances when it is deemed necessary by the Commission itself or at the request of the Administrative Board of the Work. Its deliberations are valid when two Cardinals are present.

V. The Cardinal Commission will not permit nor tolerate any office or employment in the Work that is not fully and in every respect gratuitous: The office expenses of... (i) Leo XIII, by his own motion, on November 25, 1902, established this Commission, composed of several Cardinals, to regulate and promote the Work of the Preservation of the Faith. Ch. Acta S. Sedis, vol. 35, p. 265 (N. R.).

[*Latin ed. p. 291*]

From the Commission for the Preservation of the Faith 291, the Administrative Board will establish approximate figures in a designated preliminary budget. VI. The funds will be deposited with the Sacred Congregation for the Propagation of the Faith, and they shall not, even in part, be alienated without a special permission or mandate from the Supreme Pontiff. The revenues from these funds will be collected by the Administrative Board of the Work. VII. The Prelate Council will consist of the Secretary of the Cardinal Commission and five Consultors chosen from among clerics who, through experience, prudence, and zeal for the Work, can effectively contribute with their counsel. One shall be chosen from among the Parish Priests of Rome. They will be appointed by the Supreme Pontiff *motu proprio* or upon the proposal of the Cardinal Commission. VIII. The Consultors will attend the meetings of the Cardinal Commission to present reports, or to give their opinion on matters that the Secretary proposes, or that the Cardinals deem it appropriate to address. Once the reports are concluded and opinions given, they will leave, leaving the final resolution to the Cardinals. IX. The immediate and executive action of the Work is entrusted to the Administrative Board, which will consist of three Consultors from the Cardinal Commission, along with the Secretary of the same, and several distinguished clerics and laypersons of exceptional merit. The members of the Administrative Board shall not exceed seven in number. To these are added the Treasurer, the Accountant, the Steward, and the General Inspector. X. The members of the Administrative Board will be appointed by the Cardinal Commission, to which, moreover, is reserved the appointment of the Accountant, the Treasurer, the Steward, and the General Inspector. XI. The President of the Administrative Board will

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be one of the Consultors, members of the same Board, designated by the Cardinal Commission.

[*Latin ed. p. 292*]

20,2 From the Commission for the Preservation of the Faith, Section XII. The offices of President, Secretary, Accountant, Treasurer, Bursar, and General Inspector of the Administrative Board expire every two years. Similarly, all other members of the same Board expire every two years.

XIII. The Secretary of the Board shall be the Prelate Secretary of the Cardinal Commission.

XIV. The Administrative Board shall meet every Tuesday in the afternoon; and its task shall be to prepare the budgets, matters, and projects to be submitted for examination and approval by the Cardinal Commission, to execute the decisions of this Commission, and to conduct the ordinary affairs. For the deliberations of the Administrative Board to be valid, the presence of two members, in addition to the President, is required.

XV. The sums deposited with the Administrative Board or the Treasurer thereof shall not exceed the amount of 150 lire; any surplus of revenues and offerings shall be promptly delivered to the credit institution designated by the Administrative Board, after approval by the Cardinal Commission. Donations or revenues exceeding the sum necessary for the regular operation of the Work shall be delivered gradually, with receipt, to the Most Holy Congregation of Propaganda Fide.

XVI. The action of the Administrative Board shall be immediately assisted by the aforementioned Committee, according to the rules to be established by the Cardinal Commission.

XVII. The constitution of the Committee and its functions, as well as the organization of the various sections of the Work, shall be the subject of a special regulation proposed by the Administrative Board for approval by the Cardinal Commission.

[*Latin ed. p. 293*]

LETTERS OF THE ROMAN PONTIFF

By which Pope Pius X praises the most skillful work of the Solesmes Monastery in restoring the ancient discipline of Gregorian chant.

TO THE BELOVED SON, PAUL DELATTE, O.S.B.,

ABBOT OF SOLESMES,

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BISHOP OF THE GALLICAN CONGREGATION.

PIUS PP. X.

Beloved Son, greetings and the Apostolic blessing.

From the time when the illustrious Prosper Guéranger, your predecessor, having devoted himself entirely to the science of the sacred liturgy, aroused and inflamed your zeal, no one is ignorant of the renown of the Solesmes Monastery, especially because of the most skillful work undertaken to restore the ancient discipline of Gregorian chant. This undertaking, both laborious and fruitful, which you have diligently pursued, has not lacked the support of the Apostolic See, nor could it have, for it has received ample testimonies of praise. Indeed, Leo XIII of blessed memory, in a letter specifically addressed to you in the year 1901 (1), praised it: and recently, in the month of February, the books on sacred ritual concerning chant, which you have prepared with such care, were favorably received by the Sacred Congregation of Rites and are now widely accepted in use. We ourselves, who have considered it our duty, by virtue of our office, to undertake this work, that is, to restore the Gregorian modes to their ancient tradition, and who have often publicly acknowledged your great efforts in this field, have recently demonstrated them anew. For, in the solemn ceremonies, in which we celebrated the great (1) Cf. Acta S. Sedis, vol. 33, p. 642. Acta S. Sedis, Vol. XXXVII, page 5.

[*Latin ed. p. 294*]

2Q4 The letters of Gregory; we celebrated his secular birthday, desiring to restore the Gregorian chant, and we ordered that the Solesmes gatherings be used as an example. Now, however, a special reason compels us to praise the most devoted mind of the Roman Pontiff. For, as we are considering the publication of a liturgical collection in the Vatican, which, adorned with our patronage, would be used everywhere, and as you, in this undertaking, having been invited at your birth, received, in the month of March, letters from us, which announced not only that you were ready and eager to work on the matter we desired, but also that, for the sake of this same matter, you were very willing to grant us the fruits of your vigils already. It is easy to understand how much it means to you to offer this example of love and obedience, and therefore it is pleasing to us. Therefore, in order to show our gratitude for this singular benefit, when we entrusted the preparation of the authentic edition, as we call it, to chosen men by a Motu proprio, we also wished that this Congregation, of which you preside, and especially the Solesmes family, should explore the entire field of ancient monuments relating to this matter, according to their custom and method, and to provide those designated with the material for this edition, carefully prepared and digested. Regarding this mandate, we, your most

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devoted son, inform you of the task, which is indeed laborious but most honorable, although you have already undertaken it, and we are certain that you will take the utmost care that your colleagues carry it out. We know how much you love the Apostolic See and the Church, how you strive for the dignity of divine worship, and how you uphold the institutions of holy monastic life. Furthermore, the exercise of these virtues, as you have demonstrated until now, will, in the future, lead to a happy outcome of the labors of scholars; indeed, it is not inappropriate that what the lawgiver Gregory foretold to you should apply: he could not teach in any other way than he lived. Moreover, to you, in order to complete the task...

[*Latin ed. p. 295*]

We trust that ample and suitable resources for study will be readily available, and that nothing will hinder those seeking out ancient codices; we are certain that divine assistance, which we earnestly pray for, will not fail. We impart, as a singular witness of our favor and benevolence, our Apostolic blessing with the greatest affection in the Lord to you, dear son, and to your companions. Given in Rome, at St. Peter's, on the twenty-second day of May, the feast of Pentecost, in the year 1904, in the first year of Our Pontificate. PIUS PP. X.

LETTERS. His Holiness Pope Pius X to the Marian Congregation, to encourage devotion to the Immaculate Conception in anticipation of the Jubilee.

TO THE VENERABLE BROTHER, OUR VINCENT CARDINAL VANNUTELLI, AND TO OUR DEAR SONS, MARIAN CARDINAL RAMPOLLA DEL TINDARO, DOMINIC CARDINAL FERRATA, JOSEPH CARDINAL VIVES, PRESIDENTS OF THE GROUP ORGANIZING THE PUBLIC CELEBRATIONS FOR THE FIFTIETh ANNIVERSARY OF THE DEFINITION OF THE DOGMA OF THE IMMACULATE CONCEPTION.

PIUS PP. X. Venerable Brother and Dear Sons, greetings and Apostolic blessing.

There are many things that must be diligently preserved and vigorously promoted within the Christian people for the restoration of all in Christ. However, above all, as we have already declared, we consider devotion to the most august and ever-Virgin Mother of God, Mary, to be of paramount importance. When this devotion takes deep root in hearts, there will be no lack of fruit of virtue and sanctity, which, by cultivating and fostering, can be produced. For concerning wisdom...

[*Latin ed. p. 296*]

296. It is said that, divine grace permeating the hearts of men, it is customary to proclaim, without injustice and with regard to the Virgin, these words: "All good things came to me together with her." We are drawn and continue to be drawn forward by this purpose, striving with all diligence

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to celebrate and promote, with the common joy of Catholics, the happy completion of the fiftieth year since the first dogmatic definition of the Immaculate Conception of the Virgin Mary. Moreover, desiring to offer greater praise to the piety shown towards the Divine Mother, we certainly intend to support the Marian Association, which is soon to be established in Rome, and we do not wish to let pass the opportunity to commend all those who have diligently labored in preparing and organizing the Association, and to encourage all those who will participate in it, so that they may strive to promote the Marian religion everywhere, to discuss and decide upon matters pertaining to it. In the meantime, we earnestly pray the most august Mother of God that, through her divine assistance, she may bless the Association. And, anticipating the divine graces, we impart, with abundant affection, the Apostolic Blessing to all who will come to the Association. Given in Rome, at St. Peter's, on the twenty-first day of November, in the year 1904, in the second year of Our Pontificate. PIUS PP. X.

ADDRESS. Which Pope Pius X gave to the Catholic Youth Association of France, concerning piety, knowledge, and action (i). Strengthened by the noble sentiments expressed in the address that has just been read to Us in your name, We thank the Lord who, from time to time, grants Us such consolations and brings to Our weakness the courage necessary in the struggles that We must endure.

(i) In response to the speech given on September 2, 1904, before the Most Holy Sacrament, by the President General, John Lerolle, of the Catholic Youth Association of France, His Holiness deigned to respond through the aforementioned address. (N. R.).

[*Latin ed. p. 297*]

Allocution 297. For your protestation is truly consoling to Us. It gives Us the assurance that, amidst the difficulties which torment the present age, We shall have, in the struggle for the good, very dear young men who, united in spirit and heart, under the banner of their association, upon which is inscribed the beautiful motto "piety, study, action," will lead Us to victory. Your protestations are not merely expressed in words, but are manifested in deeds; you have given Us eloquent proof of this by coming to Rome, even at the cost of sacrifices. You have come to the Eternal City to celebrate the fiftieth anniversary of the definition of the dogma of the Immaculate Conception, and to entrust to the Queen of Heaven both your faith and the purity of your lives, as well as your generous plans for action in support of the Church and the nation. You have come to venerate the tombs of the princes of the Apostles and of so many other martyrs, in order to draw from them the heroism required by such noble endeavors. You have come to offer to the Vicar of Jesus Christ the tribute of your filial love and absolute obedience, and to receive from Him opportune guidance in the uncertainties of human affairs and the incessant upheavals in ideas

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and events. Therefore, We thank you, very dear young men, for the comfort that you bring Us through your declarations, and in particular, through your promise to cherish as a treasure the teachings that We have given in Our first encyclical. They are summarized in the program of this Catholic association: "piety, study, action." Oh yes! Make piety a treasure for yourselves, but let your piety be complete, public, and active! There are things that cannot be divided and done only in part. Piety is one of these. It is like God, to whom the sentiments of love and respect are directed.

[*Latin ed. p. 298*]

2Q8 Address concerning the constitution. God cannot be divided nor diminished: piety cannot be conceived if it is not complete and whole. Either all, or nothing! Let yours also be a public piety! Let your faith have as witnesses not only the walls of the domestic home or of private gatherings, but also the churches, the public squares, the large crowds, the popular assemblies! With that noble frankness which the inviolable liberty of the Gospel gives you, render homage to God in whatever place and before whatever person. Never be cowardly in fearing the ridicule of those who would wish to silence lips opened to His praise, to shackle feet marching towards His temples, to restrain hands ready to deposit upon His altars their offerings and their vows. True piety must be enlightened: therefore, you act wisely in joining it with study. Good cannot be found where there is a lack of knowledge of that which is useful for the salvation of souls, for the reform of morals, for the acquisition of virtue. "Where knowledge of God is wanting, there is no good" (Proverbs 1:7). Your study, you may be sure, must apply itself especially to the doctrine revealed by God, which contains so many treasures of superhuman wisdom, precepts of such high morality, teachings proper to form a virtuous life. The most acclaimed scholars of this world have never discovered anything similar, who, in the confusion of a new Tower of Babel, teach not truth but error, not certainty but doubt, not virtue but vice, not order but anarchy, not religion but atheism. And it is precisely to this lack of religious studies, to this ignorance of the science of God, that society owes being invaded by that corruption of which the prophet already lamented: "Blasphemy, lying, murder, theft, adultery abound, because the knowledge of God is no longer there" (HOSEA, 4:1, 2). For having neglected or despised this study, some men, however learned in...

[*Latin ed. p. 299*]

In the second allocution, paragraph 99: Secular matters blaspheme what they do not understand, and become the corrupting scourge of society. But you, dear young people, should consider the exhortations of the Holy Spirit as addressed to yourselves: "Apply yourself to study, O my son, to gladden my heart, so that you may be able to answer him who would despise you,"

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so that you may be able to defend the truths of the faith before those who dare to attack them: "Study wisdom, O son, and gladden my heart, that you may be able to answer him who reproaches you." (PROVERBS 27:11). Supported by your piety and your knowledge, and practicing the divine precept: "God has commanded every man concerning his neighbor," you will engage in a fruitful apostolate. By faithfully fulfilling your duties towards God, by enriching yourselves with all virtues, and by defending the truth with courage, you will invite all men to follow your example, and you will command the respect and admiration of even your adversaries. And after having given to your brothers this spiritual bread, you will complete the precept of charity by offering to all those in need their material bread, through economic institutions and works of charity. Then you will be able to courageously answer those who despise you: "to answer him who reproaches you." These blessings are assured to us by the loyal promise that you make to submit to the episcopal authority the direction of all your actions. Experience has shown you that this direction is the condition of the Christian vitality of any youth organization. May they hear this truth, so many who profess to be Catholics and yet demand absolute independence from all authority, and who desire a freedom that would no longer be that of the sons of God, but of the rebels of Lucifer. If obedience is necessary in every order of things, how can those who dedicate themselves to works of this kind escape it?

[*Latin ed. p. 300*]

300. How intimately dependence is connected with charity and religion? May the Lord grant that your example may lead all these young men to repentance, and may We, with them as with you, rejoice in the good accomplished, the victory won, and the merits obtained! In the meantime, We thank you again for the consolations you have brought us, and We express the hope that the praise which the Holy Spirit made of Tobias may be repeated in each of you. Tobias, one of the youngest of the tribe of Nephthali, never had anything childish in his actions. While all were rushing to the golden calves made by Jeroboam, he alone went to the temple and there worshipped the Lord of Israel. Taken into slavery, he visited his brothers in captivity to bring them words of salvation. As much as his strength allowed, he fed those who were hungry, he clothed those who lacked clothing, he buried the dead. Although a slave, he spent his life in the joy of his heart, always growing in the fear and love of God until the age at which he died. May the Apostolic Blessing fulfill this hope! We give it to you with a generous heart, and praying that the Lord may grant Our wish, for your parents, for your works, for all those who help you to direct them, whether through their material support or their counsel.

PIUS PP. X.

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[*Latin ed. p. 301*]

From the Sacred Consistory. FROM THE SACRED CONSISTORY. Pope Pius X refutes the calumny concerning the violation of the Concordat with France initiated by the Church, discusses the canonization of two Blesseds, and creates new Bishops. His Holiness Pope Pius X held a Secret Consistory on November 14, 1904, in the Vatican Apostolic Palace, in which the Most Eminent and Reverend Cardinal Sanminiatelli, having completed his duties in the Cameraria of the Holy College, presented the customary pergamum to His Beatitude, who deigned to hand it over to the Most Eminent and Reverend Cardinal Mathieu. Then, His Holiness delivered the following address. Venerable Brothers. You know that we have convened this most esteemed College of yours for two reasons: to deliberate with you today concerning the rightful inclusion of two blessed men in the list of the Saints, and also concerning the creation of new Bishops. Both matters are of great importance, and are, indeed, joyful and pleasing; yet, certain circumstances are added which cause us sorrow. For, besides the most calamitous fire of war, which has been raging for many months in the extreme East, which we, as we ought to be, in paternal charity, implore God to quickly restrain, there are also certain other matters which cause us grief. For we are compelled to turn our minds away from the contemplation of the excellent Christian virtues, to consider the great multitude of people who scarcely retain any semblance of the Christian name; and while our heart rejoices that we can provide good pastors to many churches, it also deeply grieves that we are, for too long, prevented from providing for the needs of others, and not a few. You easily understand that in this place, the nation being considered is that which, although it is among the most noble of the Catholic nations, is estranged from religion.

[*Latin ed. p. 302*]

302. The Sacred Congregation is deeply concerned and most grieved by events that have transpired there for some time. Indeed, the audacity of evil has reached such a point that the image of Him, who is the one eternal Judge of men, has been publicly removed from the halls of discipline and the courts of justice. Among the many troubles that afflict the Church there, we lament above all the obstacles of every kind that are placed in the way of the appointment of Bishops; and we see even more serious plans being considered. Truly, you will seek in vain for a suitable cause for such a great offense, other than that which we have just mentioned: for the accusation brought against the Apostolic See is not that it has remained in the conditions agreed upon, but that it deviates from truth, to the extent that it is far from honorable. Therefore, we deem it necessary, Venerable Brothers, to refute this calumny before we proceed to the matters that have been proposed. We recall certain things that are known to no one. In the beginning of the last century, when the most terrible storm of new things,

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which had befallen France, had overturned the ancient discipline of the state and severely afflicted the venerable religion, Our Predecessor, Pius VII, of blessed memory, and the rulers of the republic, he, indeed, concerned for the salvation of souls and the divine glory, and they, indeed, seeking stability in the affairs of state through religion, entered into a pact, which was intended to alleviate the damages to the Gallican Church and to protect it in the future under the laws. However, to this agreement, there were subsequently added articles of a purely civil nature, which are called "organic articles"; but against such an addition, not only did Pius resist, but also the Roman Pontifices who succeeded him, and, when offered the opportunity, they vehemently opposed it, especially when the force of the articles was urged upon them. And this was rightly done, if we consider the nature of these laws: for we say that these are laws, not agreements; since there has never been any agreement between the Pontiffs. Therefore, these laws do not concern public safety, as was stipulated in the first clause of the agreement.

[*Latin ed. p. 303*]

From the Sacred Congregation: Public worship will be permitted, but with due regard for the regulations concerning order, which the Government deems necessary for public tranquility. It is, indeed, beyond doubt that, should laws of this nature be enacted, the Church, mindful of the obligations of faith, would receive and observe them. Now, however, these laws pertain to the discipline and even the doctrine of the Church; many things are decreed in the assemblies; and a large part of what had been beneficial to the Catholic cause is now claimed by civil authority. Thus, while the Church awaits protection, it finds itself in servitude. It is therefore necessary to carefully define the matters that concern both the Apostolic See and the state. These pertain to defining the mutual relations of both powers. The Republic, indeed, guarantees to the Church the free exercise of the Catholic, Apostolic, and Roman Religion in France. It declares that the religious cult, with its functions and offices, has the faculty of managing all ecclesiastical affairs; it wishes to confirm only those decrees that do not infringe upon public security. This, however, is understood to apply only to those matters within a limited scope, and it confirms that it can do nothing else; for, since these matters pertain to the supernatural life of the Church, they extend far beyond the authority of the civil power. Therefore, the Republic acknowledges and approves that whatever concerns faith and morals is within the jurisdiction and authority of the Church; that it is the Church's duty to take care of and protect whatever preserves and promotes the sanctity of faith and morals among Catholics; and that, for this reason, the Church alone, and not any other, can effectively influence the people to observe and promote Christian principles and institutions, and that administrators of the sacred rites, and especially Bishops, are so called.

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Nevertheless, in order to facilitate concord, the Church, out of charity and good will, may remit something of the strictness of its own law and grant to the Republic the power to nominate those who will fulfill this duty. But this power does not extend to such an extent as to...

[*Latin ed. p. 304*]

From the Sacred [Consistory]: That which is valid, or can be valid, is that which a canonical institution establishes. Indeed, to assume and place someone in a rank of sacred dignity, and to attribute to him a power equal to that dignity, is a right so proper and peculiar to the Church, that it cannot be shared with the state, without compromising the divine nature of its mission. It remains that, in the agreement granted to the Republic, the designation means nothing other than to indicate and establish for the Apostolic See that person whom the Pontiff, if he deems him suitable, will promote to the honor of the episcopate. For, indeed, this designation does not necessarily follow from a canonical institution; but rather, the merits of the person must first be religiously considered. And if, perhaps, these merits should hinder the Pontiff from conferring the episcopate upon someone, for the sake of his office, he will nevertheless not be compelled by any law to reveal the reasons why he believes it should not be conferred. Furthermore, the Church has established certain and solemn prayers to be offered to God for the supreme magistrate of the state; in which she promises to be a friend to the state, whatever its public order may be. This agreement, of which we speak, has statutes for the present and for the future; while that which concerns the past contains a transaction, composed of mutual concessions. This concerns goods, which were not long ago publicly taken from the Church; goods which the Pontiff condones to the state, and in return, the state promises to provide support to the clergy, in a manner appropriate to each. Here, it is clear, we are dealing with a contract in the true sense of the word, in which, since a certain performance is stipulated for a certain thing, it is certain that, even if the convention and agreement are dissolved, the right of the Church remains intact, either to recover the thing or to demand just compensation for the performance. We have set forth the main points of the matters on which, necessarily and most importantly for both parties at all times, an agreement was reached: let whoever judges the matter with truth, be the judge whether the agreement has been upheld. Whether the Church has granted the Republic the right to name Bishops.

[*Latin ed. p. 305*]

Has the Sacred Congregation ever retracted anything? Indeed, it has canonically instituted the vast majority of candidates proposed by the Republic. If, at times, it has not instituted some, it has always been for the most serious reasons, reasons external to political considerations, which the magistrates of the Republic themselves have subsequently acknowl-

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edged: namely, so that religion, to which the Pope must necessarily devote the utmost care and diligence, might suffer no detriment. Concerning the laws enacted for the sake of public tranquility, it is clear that the Church has fulfilled what it promised: and moreover, its doctrine is renowned and widely disseminated, teaching that God is the source of all power in men, and therefore that the commands and prohibitions of civil laws, if just and connected with the common good, must be observed with sanctity and inviolability. The Church has also shown itself to be just and faithful to the Republic, in all matters pertaining to the constitution and governance of the state. For those who have presided over it have always sought, when praying for the establishment of laws, not only heavenly assistance, which is the foundation, but also the favor of the best citizens. Finally, how faithfully it has observed the agreement concerning its property can be understood from the fact that no one has ever complained that the Church has sought to acquire public property for its own benefit. It remains to be seen whether the state has equally fulfilled its obligations, which are derived from the agreement. The principle is that the free exercise of the Catholic religion must exist in France. But can one say that this freedom exists today, when access to the Pope, the supreme teacher and guardian of the Catholic name, is denied to Bishops, and even the sending of letters to the Republic is prohibited? When the Sacred Congregations, from which, by the authority of the Pope,

[*Latin ed. p. 306*]

306. "From the Sacred Consistory, it is known that the affairs of the entire Church are administered in the city of Rome; yet, the acts are publicly scorned and refuted, and indeed, even the acts of the Pontiff himself are scarcely spared? When is this done openly, so that the strength of the Church may be undermined and its forces weakened, by taking away those things which, by the providence of God, are most useful to the Church in fulfilling its mission? We cannot, without great sorrow, consider the recent ruin of religious families; for this single reason has sufficed to destroy them within the borders of the homeland, families which had been effective supporters of the ancestral religion among the people; it has not sufficed to maintain, or rather, to enhance, the esteem for the best of men, who had always benefited their citizens in every way. Is there anything more contrary to the friendship and alliance joined with the Apostolic See than to have treated these people with such great injury and contempt, to whom the Church owes so much? – And to these troubles, a great accumulation of others has recently been added. For we have certainly learned that a decree is being circulated, by which illustrious members of a certain family, and indeed those who are in accordance with the laws, are ordered to leave and depart from the diocesan seminaries, in which they have long been accustomed to serve with great benefit to the sacred order. Thus, the promised

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freedom to religion has been perverted, so that bishops are no longer permitted, as they may deem best, to oversee the instruction of the sacred youth, and they are forced to separate from themselves those helpers whom they have always found to be the best. Although this is a much greater constraint imposed on the Apostolic ministry. – The very nature of the matter proclaims what we have said: that the canonical institution, especially if it is to be conferred to the highest degree of the ecclesiastical order, cannot, without safeguarding the majesty of religion, fall upon anyone who does not seem worthy of such a high office in terms of morals, intellect, and doctrine. Bound by this most sacred law, the Pontiff does not consider all those whom the republic designates to be immediately promoted to the episcopate; but after carefully examining what each one is like, he rejects others, whom he—"

[*Latin ed. p. 307*]

From the Sacred Consistory, suitable candidates are chosen, others are accepted, and still others are left aside; and moreover, the Republic is consulted regarding its plans, so that, while it may legitimately complete the work begun for some, it may provide assistance to others who are more deserving. The Apostolic See has maintained this custom until our time, without causing offense, as long as concord between the two powers has remained intact. But what of the Republic? It denies that the Pontiff has the right to reject anyone whom it itself has nominated; it wishes that all those nominated be accepted without exception; therefore, it insists that those who have been approved by the Church should not be canonically instituted before those who have been rejected by it, and that the latter should also provide proof of their worth. Indeed, it extends the power of nomination to such an extent that the faculty, granted by the Pontiff to the Republic, obliterates the Church's native and sacred right to examine whether those who are nominated are worthy; this is not to interpret the agreement, but to subvert it. And furthermore, to insist that, if anyone is overlooked, no canonical institution should be granted to others either, amounts to a desire to ensure that no bishops are appointed in France at all. Finally, concerning that part of the agreement which pertains to the provision of support for worthy clergy, does the Republic observe this, when it deprives bishops and other ministers of the sacred rites, without any inquiry or judgment, unheard and undefended, of their legitimate sustenance, as you know often happens? Here, not only the law of the treaty is violated, but also justice itself. For the state, in providing such sustenance, is not to be considered as fulfilling the will of the Church, but rather as paying a portion, and not a very large one, of what is due. We have been saddened, Venerable Brothers, to recount these matters, which are so distressing to hear. For although we believed that the sorrow we suffer from the affairs of France might be alleviated by sharing it with you, we

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would have preferred to remain silent, also in order that we might not cause distress to so many excellent sons of the Church whom we number in France.

[*Latin ed. p. 308*]

308. From the Sacred Consistory, the lament of the common Father has intensified. However, the most sacred rights of the Church having been impiously violated, and the dignity, especially that of the Apostolic See, having been marked by a foreign crime, absolutely demanded from Us a public and just protest. And We have provided this, without any feeling of bitterness towards anyone, but certainly with a paternal intention towards the Gallican nation; to which, as is otherwise beyond doubt, We grant no one precedence. Indeed, it is to be hoped that the course of events instituted against the Church will not continue. Certain events that have occurred in these very days have provided the most certain indication that those who sit at the helm of the republic are so disposed towards the Catholic cause that the ultimate consequences are to be feared. – Indeed, while the documents of the Apostolic See speak clearly, those who seem to wish to affirm that the Christian profession of wisdom can be in harmony with the form of the republic, appear, on the contrary, to assert that the republic, as it is now constituted in France, is of such a nature that it can have no intercourse with the Christian religion; which unjustly attacks the French, both as Catholics and as citizens. But whatever hardships may occur, they will neither offend nor frighten Us, whom the voice and exhortation of our Lord Christ confirms: "If they have persecuted me, they will also persecute you" (John 15:20). "In the world you will have tribulation: but have confidence, for I have overcome the world" (John 16:33). Meanwhile, however, We implore you, Venerable Brothers, with humble prayers, that God, who alone can draw and direct the wills of men as He pleases, may, under the protection of the Immaculate Virgin, hasten the peace and tranquility of His Church. But let us now turn our minds to more joyful matters. – Firstly, concerning the two Blesseds, in order to honor the Saints, We are pleased to know the opinion of you, Venerable Brothers. How much is needed, in this miserable time, for the intercession of the Saints! How much is needed by their example of great virtues! Therefore, there is hope that the canonization of the two Blesseds will add to the number of Saints.

[*Latin ed. p. 309*]

From the Sacred Records, 3, 9: It is fitting that the matter of canonization should be brought before both sides. Venerable Brothers, you already know that Alexander Sauli, a member of the Regular Clergy of Saint Paul, first Bishop of Aleria, and then of Ticino; and Gerard Maiella, inflamed with zeal from the Alfonsian family; one canonized by Benedict XIV, the other by Leo XIII among the blessed in Heaven. We have ordered that the cause of

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their canonization be examined and properly conducted. And now, what must be done is that accounts of their lives, morals, and deeds, as well as miracles, be presented to Us, and to you, here, according to custom. The following is the report of the Most Eminent Procurator. After the report is concluded, the Holy Father continues: Venerable Brothers, from what has been presented, you have clearly seen the life and morals of Blessed Alexander Sauli, and how zealously he strove for the glory of God and the salvation of souls, so that he was called the Apostle of Corsica. And the miracles attributed to him have been diligently verified. Therefore, do you agree that we should proceed to his canonization according to the solemn rite of the Church? The Cardinals express their opinions. Then, the Eminent Relator presents a report on Blessed Gerard Maiella; after this is concluded, the Holy Father continues: What you have just heard abundantly testifies that Blessed Gerard Maiella possessed exceptional integrity of morals and the highest praise of all virtues. And it is certainly clear that miracles have occurred through his intercession. Therefore, do you agree that we should proceed to his canonization according to the solemn rite of the Church? After the opinions have been expressed, the Holy Father concludes: It pleases Us to have learned the opinions of you, Venerable Brothers, regarding this matter. Now, before we supplement the order of Bishops, We wish to turn Our attention to affairs in Armenia. For, in the Cilician Patriarchate of the Armenians, a successor was to be appointed to the venerable Brother Paul Peter XI Emmanuelian, who had peacefully departed this life on the eighteenth of April of the past year; for this purpose, the Acts of the Holy See, Volume XXXVII, page 5, are relevant.

[*Latin ed. p. 310*]

From the Sacred Consistory, a Synod was convened in Constantinople for the Armenian-rite Bishops, in accordance with the laws. On the fourth of August last, they elected the venerable brother Paul Sabbaghian, Bishop of Alexandria in Egypt, to the Patriarchate; he is called Peter, and by that name is the twelfth. The assembled Bishops informed Us of the entire matter through letters; they also requested that We would confirm, with Our Apostolic authority, the election they had made to the patriarchal dignity. Furthermore, the elected Patriarch, in a suppliant letter, professed the Catholic faith according to the form of Urban, and added thereto what was decreed by the Vatican Council. The excellent will of the venerable brother Paul Sabbaghian for this Apostolic See, and the many virtues he possesses, are abundantly praised by the testimony of his fellow Bishops. He has already duly administered episcopal duties; through piety, prudence, justice, and modesty, as well as through generosity and the diligent performance of important tasks, he has earned the esteem and love of his people. For these reasons, and in accordance with the opinion of the Sacred Council, for the propagation of the Christian name and

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for the management of the affairs of the Eastern-rite Churches, We have decided to accede to the request of both him and the Bishops. Therefore, by the authority of Almighty God, and of the holy Apostles Peter and Paul, We confirm and approve the election made by the venerable Armenian brothers of Cilicia concerning the aforementioned Paul Sabbaghian, whom We absolve from the bond by which he was held to the Church of Alexandria, and We transfer him to the Patriarchal Church of Cilicia of the Armenians, appointing him Patriarch and Pastor of that Patriarchal Church, as will be expressed in the decree and the consistorial document, notwithstanding anything to the contrary. In the name of the Father, and of the Son, and of the Holy Spirit. Amen. It remains to speak of the co-option of Bishops. Then, His Holiness, after confirming the election made by the Armenian Bishops in the Synod held last August...

[*Latin ed. p. 311*]

From the Sacred Consistory held this year concerning the Patriarchal Church of Saint Mary, the following churches were proposed: the Patriarchal Church of Cilicia of the Armenians, for the Reverend Father Paul Sabbaghian, transferred from the Alexandrian Cathedral Church, who, according to custom, assumed the name Paul Peter XII. The Metropolitan Church of Valencia, for the Reverend Father Bernardino Nozaleda y Villa, of the Order of Preachers, formerly Archbishop of Manila. The Metropolitan Church of Compsa, to which is attached the perpetual administration of the Cathedral Church of Campania, for the Reverend Father Nicholas Piccirilli, transferred from the Metropolitan See of Santa Severina. The Archiepiscopal Church of Lucania, for the Reverend Father Benedict Lorenzelli, transferred from the Archiepiscopal titular Church of Sardinia. The Archiepiscopal titular Church of Stauropolis, for the Reverend Father Guidone Maria Conforti, transferred from the Metropolitan See of Ravenna. The Archiepiscopal titular Church of Chalcedon, for the Reverend Father Anthony Ayres de Gouvea, General Commissary of the Bull of the Cross in the Kingdom of Portugal, promoted from the Episcopal titular Church of Bethsaida. The Metropolitan Church of Ravenna, for the Reverend Father Paschal Morganti, promoted from the Cathedral Church of Bobbio. The Metropolitan Church of Palermo, for the Reverend Father Alexander Lualdi, of the Archdiocese of Milan, Doctor of Philosophy, Sacred Theology, and Canon Law, Domestic Prelate of His Holiness, Rector of the Seminary of Saints Ambrose and Charles of the City, Professor in the Pontifical Seminaries of the Vatican and Leoniano, Member of the Roman Academies of Saint Thomas Aquinas and of Theology of Milan. The Archiepiscopal titular Church of Tamiathene, for the Reverend Father Edward Charles Gastone, Count and Free Baron of Pottick de Pettenegg, of the Diocese of Labia, Doctor of Philosophy, Theology, and Canon Law, Protonotary Apostolic *ad instar participantium*, Domestic

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Prelate of His Holiness, Referendary of the Sacred Signature, Intimate Counselor of the Caesarean Apostolic Majesty, Commander and Grand Captain in the Teutonic Order. The Cathedral Church of Arezzo, for the Reverend Father John Volpi, transferred from the Episcopal titular Church of Dionysia. The Cathedral Church of Salamanca, for the Reverend Father Francis Xavier Valdes y Noriega, of the Order of the Hermits of Saint Augustine, transferred from the Cathedral See of Iacca. The Cathedral Church of Victor, for the Reverend Father Joseph Cadena y Eleta, transferred from the Cathedral See of Segovia.

[*Latin ed. p. 312*]

From the Sacred Consistory: The Cathedral Church of Saint James of the Green Head, for the Reverend Father Antonio Montinho, transferred from the titular Episcopal Church of Argaea and from the Prefecture of Mozambique. The Cathedral Church of Segovia, for the Reverend Father Julian Miranda y Bistuer, transferred from the Asturian Cathedral See. The Cathedral Church of Forosempron, for the Reverend Father Achilles Quadrozzi, of the Diocese of Verula, Doctor in Sacred Theology and in both Laws, Canon, Parish Priest, and Abbot of the Venerable Saint Erasmus, Examining Prelate, and Visitator, Professor of Dogmatic and Moral Theology in the Diocesan Seminary and in the Cistercian Abbey commonly known as Casamari, Spiritual Director of the Sisters of Charity and the Daughters of Mary, Canon of Honor of the Cathedral Churches of Verula, Fulginata, and Atina. The Cathedral Church of Piacenza, for the Reverend Father Paul Marco Tei, of the Order of the Capuchin Friars, of the Archdiocese of Lucania, Lecturer in Philosophy and in Sacred Theology, formerly Provincial Minister and General Definitor in his Order, Apostolic Preacher, Consultor to the Holy Congregation of Rites, Apostolic Visitator of the City and its District. The Cathedral Church of Bobbio, for the Reverend Father Charles Castelli, of the Archdiocese of Milan, Rural Vicar and Parish Priest of the commonly known Busto Arsizio. The Cathedral Church of Pacé, for the Reverend Father Felix Soto y Mancera, of the same Diocese, Auditor of the Matritense Tribunal of the Rota. The Cathedral Church of Oviedo, for the Reverend Father Francisco Batzan y Urniza, of the Diocese of Pamplona, Doctor in Sacred Theology and proficient in Canon Law, Archdeacon and General Vicar in the Diocese of Cluny. The Cathedral Church of León, for the Reverend Father Antonino Lopez y Pelaez, of the Diocese of Asturias, Doctor in both Laws, Canon Penitentiary of the Metropolitan Church and General Vicar of Burgos. The Cathedral Church of Asturias, for the Reverend Father Julian de Diego y Alcolea, of the Diocese of Segovia, Doctor in Sacred Theology and in Canon Law, Archdeacon of the Cathedral Church of Matritensis, Secretary of the Archdiocese of Valladolid. The Cathedral Church of Auria, for the Reverend Father Eustachio Ilundain y Esteban, of the Diocese of Pamplona, Rector of the Seminary in Segovia and Canon,

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Archpresbyter of the Cathedral Church. The titular Episcopal Church of Siena, for the Reverend Father Francisco Ferreira da Silva, Ordinary Prelate of Mozambique. The titular Episcopal Church of Carpasia, for the Reverend Father Emmanuel Rivera, of the Diocese of Queretaro, Doctor in Civil Law, Canon.

[*Latin ed. p. 313*]

From the Sacred Consistory, the Cathedral Church of [unspecified location] and the General Vicar, appointed as Coadjutor with future succession, the Most Reverend Father Raphael Camacho, Bishop of Queretaro in the Mexican Republic, received the titular episcopal church of Famagosta. For the Most Reverend Father John Mauri, of the Archdiocese of Milan, Doctor of Literature, Philosophy, and Sacred Theology, Honorary Canon of the Metropolitan Church, Synodal Examiner, Professor of Ecclesiastical History in the Major Seminary, appointed as Auxiliary to the Most Eminent and Reverend Cardinal Andrea Carlo Ferrari, Archbishop of Milan. He received the titular episcopal church of Proconnesus. For the Most Reverend Father John Nepomucene Weinlich, of the Diocese of Regina-Gradec, Protonotary Apostolic ad instar participantium, Honorary Canon of the Metropolitan Church of Olomouc, Prosynodal Examiner, and General Vicar, appointed as Auxiliary to the Most Reverend Father Francis Salesius Bauer, Archbishop of Olomouc. He received the titular episcopal church of Magyden. For the Most Reverend Father Ludovic Szmrecsányi, of the Diocese of Cassovia, Canon of the Metropolitan Church of Agrigento, Director of the Diocesan Chancery, and titular Abbot of the Most Holy Trinity, appointed as Auxiliary to the Most Reverend Father Joseph Samassa, Archbishop of Agrigento. He received the titular episcopal church of Callipolis. For the Most Reverend Father Carol Wisnar, Archdeacon of the Church of Olomouc, Doctor of Sacred Theology, Canon of the Metropolitan Church of Olomouc, Honorary Chamberlain to His Holiness, also appointed as Auxiliary to the Most Reverend Father Francis Salesius Bauer, Archbishop of Olomouc. He received the titular episcopal church of Nyssa. For the Most Reverend Father John Baptist Arista, of the Congregation of the Oratory, of the Diocese of Jaci, Prefect and President of the College of Saint Michael, appointed as Auxiliary to the Most Reverend Father Gerland Genuardi, Bishop of Jaci.

Then, the Blessed Father announced the following other churches, which he had already provided for through a Brief: The Patriarchal Church of Venice for the Most Reverend Father Aristide Cavallari, promoted from the titular episcopal church of Philadelphia. The titular Archdiocesan Church of Pelusia for the Most Reverend Father Theodore Kohij, transferred from the Metropolitan See of Olomouc. The titular Archdiocesan Church of Seleucia for Eduardo Gilpin-Bagshawe, of the Congregation of the Oratory, promoted from the titular episcopal church of Hypaepa. The Metropolitan

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Church of Olomouc for the Reverend Father Lesio Bauer, promoted from the Cathedral Church of Brno. P. D. Francisco Sa-

[*Latin ed. p. 314*]

From the Sacred Consistory: The titular metropolitan archbishopric of Theodosiopolis is conferred upon the Reverend Father Simone Aichner, promoted from the cathedral church of Brixen. The titular metropolitan archbishopric of Sebastopol is conferred upon the Reverend Father Giovanni Cagliero, of the Salesian Congregation, Apostolic Vicar of Northern Patagonia, promoted from the titular episcopal church of Magydos. The titular metropolitan archbishopric of Bostra is conferred upon the Reverend Father Martino Garcia y Alcocer, of the Order of Friars Minor, promoted from the episcopal see of Caebuan. The metropolitan archbishopric of Milwaukee is conferred upon the Reverend Father Sebastiano Mesmer, promoted from the cathedral church of Green Bay. The archbishopric of Saint John of Newfoundland, elevated to the metropolitan rank by His Holiness, is conferred upon the Reverend Father Michael Howley, Bishop of the same see. The titular metropolitan archbishopric of Salarninia is conferred upon the Reverend Father Domenico Jacquet, of the Order of Friars Minor Conventual, promoted from the cathedral church of Iassi. The metropolitan archbishopric of Urbina is conferred upon the Reverend Father Giovanni Maria Giuseppe Santarelli, of the Order of Friars Minor, of the diocese of Assisi, a lecturer in philosophy and in sacred theology, formerly Secretary and Definitor General of his own Order. The metropolitan archbishopric of Naxia is conferred upon the Reverend Father Filippo Camassei, of the diocese of Rome, a Doctor in sacred theology and in both laws, Domestic Prelate of His Holiness, Rector of the Pontifical College of Urban in the Congregation for the Propagation of the Faith. The metropolitan archbishopric of Cerchen, of the Chaldeans, is conferred upon the Reverend Father Teodoro Messaich, of the same rite, formerly a student of the Pontifical College of Urban in the Congregation for the Propagation of the Faith. The titular metropolitan archbishopric of Serrarum is conferred upon the Reverend Father Giovanni Battista Castro, of the archdiocese of Caracas, a Doctor in sacred theology, Canon Dean and General Vicar of the same archdiocese, appointed as Coadjutor with succession to the Reverend Father Crispulo Uzcategui, Archbishop of Saint James of Venezuela, or Caracas. The titular metropolitan archbishopric of Metymna is conferred upon the Reverend Father Adolfo Alessandro Nouel, of the archdiocese of Saint Dominic, a Doctor in philosophy and a graduate in sacred theology, formerly a student of the Pontifical College of Pius Latin American in Rome, Honorary Canon of the Metropolitan Church of Saint Dominic, appointed as Coadjutor with succession to the Reverend Father Ferdinando Antonio Arcturi de Merino, Archbishop of Saint Dominic in America. The titular metropolitan arch-

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bishopric of Myren is conferred upon the Reverend Father Fran-

[*Latin ed. p. 315*]

From the Sacred Congregation of the Consistory:

To the Reverend Ragonesi, of the diocese of Viterbo, formerly a student at the Pontifical Seminary of Pius in Rome, Domestic Prelate of His Holiness, Doctor in philosophy, in sacred theology, and in both laws, Apostolic Delegate in the Republic of Colombia. The titular archbishopric of Cyrene is assigned to the Reverend Father Aurelio Briante, of the Order of the Friars Minor, Vicar and Apostolic Delegate in Egypt. The titular archbishopric of Palmyra is assigned to the Reverend Father Ambrosio Agius, of the Benedictine Congregation of Cassinensis, of the diocese of Melite, Apostolic Delegate extraordinary in the Philippine Islands. The cathedral church of Iassy is assigned to the Reverend Father Nicholas Joseph Camilli, transferred from the titular archbishopric of Tomita. The cathedral church of Saint George, recently erected by His Holiness, is assigned to the Reverend Father Nilo Mac Neil, transferred from the titular bishopric of Nilopolis. The cathedral church of the Marsi is assigned to the Reverend Father Francis Giacci, transferred from the titular bishopric of Nyssa. The cathedral church of Neosolia is assigned to the Reverend Father Wolfgang Radnai, transferred from the titular bishopric of Europa. The cathedral church of Scepusia is assigned to the Reverend Father Alexander Párvy, transferred from the titular bishopric of Carpasia. The cathedral church of Caesena is assigned to the Reverend Father John Cazzani, of the diocese of Papia, Doctor in letters, in philosophy, and in sacred theology, Rector and Professor of literature in the diocesan seminary. The cathedral church of Tarvisium is assigned to the Reverend Father Andrea Hyacinth Lon-ghin, of the Order of the Friars Minor Capuchin, of the diocese of Padua, Master in sacred theology, Provincial Minister of Venetia, and there, Examiner pro-synodal. The cathedral church of Brixen is assigned to the Reverend Father Joseph Altenweisel, of the archdiocese of Salzburg, formerly a student at the German College of Rome, Doctor in philosophy and in sacred theology, Domestic Prelate of His Holiness, Professor of theology at the University of Salzburg. The cathedral church of Trent is assigned to the Reverend Father Coelestinus Endrici, of the same diocese, Doctor in philosophy and in sacred theology, Examiner pro-synodal, and Professor of moral theology in the major seminary. The cathedral church of Mainz is assigned to the Reverend Father George Henry Kirstein, of the same diocese, Doctor in sacred theology, Canon of the cathedral church, and Rector of the major seminary.

[*Latin ed. p. 316*]

From the Cathedral Church of Brno, to the Sacred Consistory, for the Reverend Paul Huyn, and his companions, of the same diocese, Doctor of

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Philosophy, of Sacred Theology, and of Canon Law, Parish Priest of Beharovice. From the Cathedral Church of Płock, for the Reverend Apollinar Wunkowski, of the diocese of Łuck-Zytomierz, Doctor of Sacred Theology, Canon Prelate and Custodian in the Cathedral of Zytomierz, and Rector of the diocesan Seminary. From the Cathedral Church of Tiraspol, for the Reverend Joseph Kessler, of the same diocese, Doctor of Sacred Theology, Canon of the Cathedral Church, and Rector of the diocesan Seminary. From the Cathedral Church of Southwark, for the Reverend Peter Amigo, of the city of Gibraltar, General Vicar of Southwark. From the Cathedral Church of Kerry, for the Reverend John Mangan, Parish Priest of Kenmare, and Archdeacon of Kerry. From the Cathedral Church of Laois, for the Reverend Michael Fogarty, Doctor of Sacred Theology, Pro-President of the College of Maynooth, of Peruvian origin. From the Cathedral Church of Huanuco, in the Republic, for the Reverend Peter Paul Drinot y Piérola, of the Congregation of the Most Sacred Hearts, of the Archdiocese of Lima. From the Cathedral Church of Chachapoyas, in the Republic of Peru, for the Reverend Joseph Jacob Irala, of the Order of Friars Minor, of the diocese of Ayacucho, Apostolic Administrator of the same diocese of Chachapoyas. From the Cathedral Church of Huara, in the Republic of Peru, for the Reverend Mariano Holguin, of the Order of Friars Minor, of the diocese of Arequipa, Commissary and General Definitor of his own Order. From the Cathedral Church of Saint Joseph of Costa Rica, for the Reverend Gaspardo Stork, of the Congregation for the Propagation of the Faith, Doctor of Sacred Theology, Rector of the Seminary of Saint Joseph of Costa Rica. From the Cathedral Church of Saint Martha, in the Republic of Colombia, for the Reverend Francisco Simon y Rodenas, of the Order of Friars Minor Capuchin, of the diocese of Oriol, Provincial Custos of the Order in the Colombian territory, and Provincial Chapter General of the diocese of Saint Martha. From the Cathedral Church of Curitiba, in the state of Paraná, in Brazil, for the Reverend Duarte Leopoldo da Silva, of the diocese of São Paulo in Brazil, there a Canon of the Cathedral Church and Parish Priest of Saint Cecilia. From the Cathedral Church of Cienfuegos, on the island of Cuba, for the Reverend Antonio Aurelio Torres y Sanz, of the Order of Discalced Carmelites, of the diocese of Havana, there Rector of the College of Saint Philip, and Consultor of the Episcopal Curia.

[*Latin ed. p. 317*]

From the Cathedral Church of Coimbra, to the Most Reverend Doctor Augustine, 7 Kroy, of the Diocese of Poitiers, and from the Parisian Seminary for Foreign Missions, to the Missionary of Coimbra.

From the Cathedral Church of Malines, to the Most Reverend Doctor Aemilius Barillon, of the Diocese of Carnut, and from the Parisian Seminary for Foreign Missions, to the Pro-Superior of the Seminary of the Immaculate Conception.

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From the Cathedral Church of Sinus Viridis, to the Reverend Father Joseph Fox, Domestic Prelate of His Holiness, and Administrator of that same Diocese.

From the Cathedral Church of Manchester, to the Reverend Doctor John Delaney, of the Archdiocese of Boston, Synodal Examiner and Episcopal Chancellor of Boston.

From the Cathedral Church of Allahabad, to the Reverend Father Petronius Franciscus Gramigna, of the Order of the Capuchin Minor Friars, of the Diocese of Imola, Apostolic Missionary.

From the Cathedral Church of Ntchitchen, to the Reverend Doctor Cornelius Van de Ven, of the Archdiocese of Nova Aurelia, Vicarious Forane and Archdiocesan Consultor.

From the Cathedral Church of Helen, to the Reverend Doctor John Patrick Carroll, Doctor of Sacred Theology, Rector of the Seminary and Archdiocesan Consultor of Dubuque.

From the Cathedral Church of Nagpore, to the Reverend Father Mary Stephen Bonaventure, of the Congregation of the Society of Saint Francis of Sales of Annecy, of that same Diocese, Administrator of the Diocese of Nagpore.

From the Cathedral Church of Leavenworth, to the Reverend Doctor Thomas Sillis, of the Archdiocese of Saint Louis, General Vicarious of Leavenworth.

From the Cathedral Church of Columbia, to the Reverend Doctor James Joseph Hartley, of that same Diocese, Missionary and Parish Priest of the Most Holy Name of Jesus, there.

From the Cathedral Church of Fall River, recently erected by His Holiness, to the Reverend Doctor William Nang, Doctor of Sacred Theology, Episcopal Chancellor, Synodal Examiner, and Parish Priest of Saint Edward.

From the Cathedral Church of Great Falls, recently erected by His Holiness, to the Reverend Doctor Mathias Lenihan, of the Archdiocese of Dubuque, Apostolic Missionary.

From the Cathedral Church of Idietten, recently erected by His Holiness, to the Reverend Father Joseph Alfred Archambeault, of the Archdiocese of Marianopolis, Apostolic Protonotary ad instar participantium, Doctor of Sacred Theology and Canon Law, Pro-Rector of the University of Vallis Vidonis, and Superior of the Sisters of Providence.

From the Cathedral Church of Maria Ormensis, recently erected by His Holiness,

[*Latin ed. p. 318*]

From the Sacred Consistory: For the Reverend David Joseph Scoliard, of the diocese of Peterborough, Rector of the Mission of North Bay, the united

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parishes of Bellograden and Semendrien. For the Reverend John Baptist Krapac, of the archdiocese of Zagreb, Doctor of Canon Law, Prosynodal Examiner, Canon Dean and Archdeacon of the Metropolitan Church, appointed as Auxiliary to the Most Reverend George Posilovic, Archbishop of Zagreb. The titular episcopal see of Titopolis for the Reverend Father Domenico Marengo, of the Order of Preachers, Parish Priest of Saint Peter in Galata, Constantinople, appointed as Coadjutor with succession to the Most Reverend Andrea Polycarp Timoni, Archbishop of Smyrna. (Now succeeded). The titular episcopal see of Milopoliten for the Reverend James Davis, General Vicar of Davenport, appointed as Coadjutor with succession to the Most Reverend Henry Cosgrove, Bishop of Davenport. The titular episcopal see of Arcen for the Reverend Father Aiafrido Peri and the companions Morosini, of the diocese of Lugano, Doctor of Letters, of Philosophy, of Sacred Theology, and of both Laws, formerly a student of the Pontifical Roman Seminary and then of the Noble Ecclesiastical Academy, Honorary Chamberlain beyond the number of His Holiness, appointed as Apostolic Administrator of the diocese of Lugano. The titular episcopal see of Samia for the Reverend Father George Waschanski, Apostolic Protonotary ad instar participantium, Canon of the Chapter of Bautzen, and Administrator of the Prefecture of Lusatia, appointed as Apostolic Vicar of Saxony. The titular episcopal see of Tubunen for the Reverend Isidore Klaus, of the diocese of Basel, from the Mission Seminary of Africa in Lugdunum, where he is Professor of Dogmatic Theology, appointed as Apostolic Vicar of the Golden Coast. The titular episcopal see of Taenarien for the Reverend Father Fabian Landi, of the Order of Minorites, of the diocese of Fesula, appointed as Apostolic Vicar of the Northwest of China. The titular episcopal see of Thignica for the Reverend Father Armengau Coli, of the Congregation of the Missionaries of the Sons of the Immaculate Heart of Mary, of the diocese of Urgell, appointed as Apostolic Vicar of the Fernando Poo Islands in Africa. The titular episcopal see of Terenuthis for the Reverend Father Victor Douceré, of the Society of Mary, of the diocese of Briocensis, appointed as Apostolic Vicar of the Hebrides Islands in Oceania. The titular episcopal see of Thuggen for the Reverend Father Henry De-

[*Latin ed. p. 319*]

From the Sacred Consistory, Monsignor Lalle, and from the Congregation of the Oblates of the Immaculate Mary, of the diocese of Nancy, Doctor of Philosophy and Sacred Theology, appointed as Apostolic Vicar of Natal. The titular episcopal church of Hypaepa is assigned to the Reverend Father Augustine Henninghaus, of the Society of the Divine Word, of the diocese of Paderborn, Dean of Tenchanfu and Letchanfu, appointed as Apostolic Vicar of Southern Shantung in the Chinese Empire. The titular episcopal church of Eumene is assigned to the Reverend Father William Miller, of the Congregation of the Oblates of the Immaculate Mary, of the archdiocese of

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Cashel, appointed as Apostolic Vicar of Transvaal. The titular episcopal church of Tipasitan is assigned to the Reverend Father Armando Olier, of the Society of Mary, of the diocese of Rouen, appointed as Coadjutor with succession to the Reverend Father Armand Lamaze, Apostolic Vicar of Central Oceania. The titular episcopal church of Sitifen is assigned to the Reverend Father George Eich, of the Congregation of the Piarists, of the diocese of Trier, appointed as Coadjutor with succession to the Reverend Father Joseph Maria Verdier, Apostolic Vicar of the islands of Tahiti. The titular episcopal church of Halicarnassus is assigned to the Reverend Father Joseph Cecchini, of the Order of Preachers, of the archdiocese of Lucania, Master of Sacred Theology, Rector of the Pontifical Basilica of Pompeii of the Most Holy Rosary, Archpriest and Ordinary Prelate of Alti Muri and Aqua Vivae. The titular episcopal church of Beuden is assigned to the Reverend Father Paul Schirò, of the Greek Rite, of the archdiocese of Monte Regale, appointed as Bishop Ordinary of the Ial-o-Greeks of Sicily. The titular episcopal church of Amyclae is assigned to the Reverend Father Patrick Fenton, General Vicar of Westminster, appointed as Auxiliary to the Reverend Father Francis Bourne, Archbishop of the same Archdiocese. The titular episcopal church of Themiscyra is assigned to the Reverend Father Thomas Cusach, of the archdiocese of Neo-Eboracum, appointed as Auxiliary to the Reverend Father John Farley, Archbishop of Neo-Eboracum. The titular episcopal church of Rhodiopolitan is assigned to the Reverend Father Vincent Palunko, of the diocese of Ragusa, General Vicar and Archdeacon of the Metropolitan See of Vrhbosna, appointed as Auxiliary to the Reverend Father Philip Francis Nakic, Bishop of Spalato and Macarska. The titular episcopal church of Philadelphia is assigned to the Reverend Father William Giles, of the city of London, Domestic Prelate of His Holiness, Doctor of Sacred Theology, Rector of the English College of the City. The titular episcopal church of Archelaiden is assigned to the Reverend Father Herculano.

[*Latin ed. p. 320*]

320 From the Sacred Consistory, by the Reverend Doctor Marini, Canon Prebendary of the Cathedral Church of Macerata, General Vicar of the Archdiocese of Spoleto. Then, the Most Eminent and Reverend Cardinals Respighi and Vives, as delegates from the Most Eminent and Reverend Cardinals Manara and Casañas, requested the Sacred Pallium for the Churches of Ancona, recently elevated to the Archiepiscopal rank, and for Barcelona, which now enjoys this privilege. Subsequently, a request for the Sacred Pallium was made for the Patriarchal Church of Venice by the Most Reverend and Reverend Monsignor Giovanni Bressan, Procurator for the Patriarch; for the Metropolitan or Archiepiscopal Sees of Valencia, Compsa, Lucania, Ravenna, Olomouc, Milwaukee, St. John of Newfoundland, Palermo, Urbino, and Naxos, recently consulted; for the Metropolitan Sees

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of St. Louis, Smyrna, and Cincinnati, in which the present Archbishops have succeeded as Coadjutors; and also for the Cathedral Church of Arezzo, which enjoys this privilege. The new Archbishop of Caracas had already received the Sacred Pallium outside of the Consistory, by the benevolent disposition of His Holiness. Finally, with the doors of the Consistory Hall opened, and for those residing in Rome from the East, the Most Reverend Monsignor Paschalis Rubian, Archbishop of Amasya, and Procurator for the new Patriarch of the Armenians, requested the Sacred Pallium through the Consistorial Advocate; and, with the consent of the Supreme Pontiff, the same Procurator offered due thanks in the name of the Patriarch and the Catholic Armenians.

[*Latin ed. p. 321*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF BISHOPS AND REGULARS OF ALBA POMPEII.

Regarding Customs: An ancient custom is maintained, by virtue of which, in only one parish church, holy water is blessed on Holy Saturday, and this is distributed to the other parishes.

Details of the Case: It was held to be an ancient custom, recognized and enforced by the Reverend Bishops during their visitations, that in the archdeaconry of Cherasco, in the diocese of Alba Pompeii, among the twelve parishes in the county and surrounding areas, in one of them, namely, in the commendatory priory of Saint Peter in Manzaro, holy water should be blessed on Holy Saturday, and that the others should receive it from that source. Indeed, to prevent such blessings from being performed in other parishes, the custom arose of distributing new oil on Holy Saturday for the feast of Friday, as was the practice in other places in the diocese.

Some of the pastors found this double custom burdensome, as it infringed upon their rights; and among these, one, the pastor of the place called Narzole, for many years had, of his own accord, performed the blessing of the water in his own well, using oil from the previous year.

The matter was brought to the attention of the Bishop, who invited the Prior of Saint Peter to yield to the law. But the Prior remained steadfast in his refusal, claiming that he did not want to set a precedent for his successors.

The Bishop appealed to the Holy See, presenting the case in a written document.

Allegations of the Prior of Saint Peter: He argued that the priory of Saint Peter in Manzaro had, from the most remote times,

[*Latin ed. p. 322*]

322 From the Sacred Congregation of Bishops and Regular Canons: It is the right of parishes, even those under religious orders, within a vicariate,

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to possess the power to bless baptismal water, as well as to distribute the sacred oils blessed annually by the Bishop. The foundation of this long-standing custom rests, besides the fact that it is the mother church, in the preeminence proper to the parish over others. Indeed, only therein are all those functions so-called "general" performed, such as, for example, the Rogation processions, in which all the pastors of the city usually convene; likewise, only in the parish of Saint Peter are the bells rung on Holy Saturday; and the pastor, in the absence of the Bishop, also has the right to crown the Blessed Virgin Mary of the Most Holy Rosary, even though the function is performed in another church, etc. Furthermore, it is affirmed that this custom has been confirmed and sanctioned by several decrees of the Bishops during their visitations, as is evident from the reports of the visitations of the years 1588, 1743, and 1828, the last of which contains these words: "In the same baptistery, by the Reverend Prior, on Holy Saturday of each year, according to the custom of the Church, a solemn blessing of the font is performed for the other pastors of this city and vicariates, who all attend this blessing; but they come to this baptistery from time immemorial to obtain baptismal water, along with the sacred oils for the use of their own parishes...." Furthermore, it is observed that, after the dismemberment of the parish of Narzole from that of Saint Peter, a transaction was initiated, approved by the Holy Sacred Congregation on December 9, 1833, by virtue of which the rector of the filial church was obliged, together with the other pastors of the territory of Cherasco, to go to the Priory of Saint Peter to receive baptismal water and the sacred oils on Holy Saturday or the following day. Finally, it is concluded that nothing stands in the way of the decision of the Sacred Congregation of Rites in the act of January 13, 1899, no. 4005, which also recognizes the right of filial churches to bless baptismal water; whereas, in the present case, besides the fact that it is the mother church, there exists a contrary custom legitimately prescribed.

[*Latin ed. p. 323*]

Albae Pompéien. 323. Allegations of other parish priests. On the contrary, six parish priests of the Vicariate of Cherasco, citing a long-standing custom, request that they be granted the natural right to bless baptismal water. They argue this primarily on the basis of common law, and especially on the decree of the Sacred Congregation of Rites dated January 13, 1899, number 4005, in which the right to bless baptismal water on Holy Saturday is recognized even for filial churches that legitimately possess a baptismal font. Moreover, they assert that the Praepositura of St. Peter, although first among equals, except for the parish of Narzole, is not a mother church with respect to the other parishes; therefore, no sufficient reason is found for infringing upon the freedom and independence of the other churches. They trace the origin of this custom to the negligence of parish priests who, in ancient times, even sent children to the church of St. Peter for Christian in-

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struction, and from which this custom arose, which subsequently became a violation of common law. Furthermore, they add that it frequently happens in parishes outside the city of Cherasco that an infant is brought for baptism when the baptismal water and sacred oil have not yet been brought to the parish, and they assert that in such cases, the administration of baptism must be postponed, with great danger to the infant and concern to the parents. Or even that the Extreme Unction cannot be administered to the dying, and the sacrament cannot be completed, due to the lack of sacred oils until midday on Holy Saturday. In these cases, the petitioners assert that a serious inconvenience arises from the aforementioned custom. But furthermore, they observe that they fully perform the blessing of baptismal water and the anointing with sacred oils on the eve of Pentecost; therefore, they argue, why is the same not permitted on Holy Saturday? Doubts. I. Whether and how the custom in the foreign Vicariate of Cherasco, of the Diocese of Alba Pompeii, can be maintained, according to which one commendatory rector of St. Peter in Manzaro blesses the baptismal water on Holy Saturday, and all eleven...

[*Latin ed. p. 324*]

324. Should the parish vicars present themselves at the parochial church of St. Peter to receive [something]? And, if so, is it permissible for the superiors of St. Peter to maintain the custom of not distributing the newly blessed holy oil to the parish vicars except after the Gloria of the Mass on Holy Saturday?

Resolution. The Congregation of Bishops and Regulars, on June 26, 1903, ordered that the following should be answered: Affirmative to both.

Collations:

1. All parochial churches, legitimately possessing a baptismal font, have the right to bless baptismal water on Holy Saturday and on the Vigil of Pentecost (1).

2. Conversely, other churches, even if parochial, lacking a baptismal font, are not permitted to perform the blessing of water on the Vigs of Easter and Pentecost (2).

(1) The Roman Missal, in the particular rubrics for Holy Saturday, after the readings, states: "These things being completed, if the church has a baptismal font, the priest will bless the font, taking the purple stole and... descends... to the font..."; and then, after the rite of blessing, it adds: "Where there is no baptismal font, after the last reading with its prayer, the celebrant sets aside the chalice..." This is also confirmed by several decrees of the Holy Roman Church, as in one from Mantua, March 1, 1636, no. 630, which reads: "It was requested that it be answered whether the blessing of the baptismal font (that is, in the mother churches on the day of the Sabbath) should be performed only in the diocese or even in the churches

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subject to the parish"; and the response was: "It can be done in all churches that have a fixed baptismal font." The decrees in Spalato, no. 3776 (cf. Acta S. Sedis, vol. 25, p. 112), and in Utinen, ad I, June 7, 1892, and January 13, 1899, no. 4005 (cf. Acta S. Sedis, vol. 31, p. 540), are also in agreement. It should not be overlooked that, both in the rubrics of the Missal and in the decrees, the term "baptismal font" refers to the true and proper font, or baptistery, in which baptismal water is used and baptism is administered, and not to any vessel or font improperly called, in which only water is kept for the purpose of baptism. In this case, the solemn blessing of the font cannot in any way be performed; so decreed the Holy Roman Church, especially in one from the Vicariate Apostolic of Victoria Nyanza, April 19, 1890, no. 3724, ad I; to the doubtful proposition: "Can the solemn blessing of the baptismal font be performed on Holy Saturday in a public mission chapel, in which baptism is administered, but in which there is no proper baptismal font near the entrance to the chapel?" the response was: "Negative." (N.R.)

(2) In some places, the ancient discipline is still observed today, according to which...

[*Latin ed. p. 325*]

325. In Pompéii. 3°. There are indeed many parochial churches which, although possessing a font and administering baptism, nevertheless lack the faculty of solemnly blessing the baptismal water at the aforementioned times; therefore, the pastors of these churches are obliged to go to the mother churches and receive the blessed water from them.

4°. This stems from the fact that mother churches, in recognition of their own status, often reserve the right, with respect to their dependent churches, to exclusively prepare the baptismal water on Saturdays of Easter and Pentecost.

5°. However, this restriction of the law means that the baptismal font is found only in cathedrals and in collegiate or mother churches, and it is there that the solemn blessing of the water is not only performed, but also that baptism itself is administered exclusively in the cities of Bologna, Cremona, Florence, Parma, Pisa, etc. (N. R.), as can be seen from numerous decrees of the Holy Congregations. Thus, the Holy Congregation of Bishops and Regular Canons decreed on September 6, 1625: "A regular pastor should, according to custom, attend the blessing of the font in the mother church and receive water from it." Also, the Holy Congregation of the Council in Savona, on November 17, 1691, and July 28, 1710; in Ariminen, on August 10, 1711; in Lünen, on July 23, 1718; in Derthona, on December 7, 1720; in Aquen, on March 8, 1732, and also in Florentia, on March 18, 1797: "Since it is established by law that the Archpriestly church has the exclusive right to have the baptismal font, and since there is also a custom favorable to the Archpriest of performing the blessing of the font with the assistance of other pastors of the place, it is understood that he has the right

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to perform this function." Most recently, in Caietana, on February 28, 1903, with the assistance of the aforementioned pastors (cf. Acta S. Sedis, vol. 35). In addition, the Holy Congregation of Rites, as can be seen in Piacenza, on July 10, 1638, no. 645; in S. Miniato, on September 9, 1836, no. 2436, where these things are decreed: "The pastors who have the faculty of blessing the baptismal font on Saturdays of Easter and Pentecost, and not on other days, are to perform the blessing themselves; those who do not have this faculty are to abstain from the blessing and to delegate another priest to assist." (Acta S. Sedis, vol. 25, p. Ad 2).

Finally, in the aforementioned document from Spalato, on June 7, 112, it is stated that the custom of blessing the baptismal font and other things in the principal parochial churches is to be tolerated, but that it is only an old custom in the cathedral church, because it was not established in the case of true mother churches; however, it is immediately added: "except for those that have special and determined rights concerning mother churches." (Acta S. Sedis, Vol. XXXVII, fase. 5, 1892) (cf. N. R.).

[*Latin ed. p. 326*]

326 From the Sacred Congregation of Councils: It is not presumed, but must be demonstrated either by particular or at least customary law; since the full and universal power of baptizing, which parish priests enjoy, is not without limits. 6°. Indeed, filial churches can legitimately acquire, by established custom, the right to solemnly bless the baptismal water at certain times, as can be seen in the Decree of the Sacred Congregation of Rites in Acta, Novare, February 16, 1900 (cf. Acta S. Sedis, vol. 33, p. 62). 7. Finally, in the present case, we are dealing with the cathedral church, which, by an ancient custom, retains the private right to bless the baptismal water on the aforementioned liturgical days, and distributes it to other parish churches within the vicariate.

FROM THE SACRED CONGREGATION OF THE COUNCIL: The Cathedral Church of Potentina is subject to the provisions of the Brief "Impensa" of Pope Pius VII regarding the aggregation of clerics to churches within the Kingdom of both Sicilies.

Facts of the case: The cathedral church of Potentina has, from ancient times, been counted among the numerous dependent churches, and therefore, as many clerics were assigned to it as the income of the church allowed. However, in the year 1221, Bishop Garzia established twelve canons in the same church, under the law that, upon the departure or death of canons, the surviving canons should nominate others from the aforementioned church and present them to the Bishop for canonical confirmation. Subsequently, in the year 1742, Bishop Melendez established six additional canonries, called the second foundation, who were in no way to interfere in the administration of the canons of the first foundation, nor were they

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to pretend to provide for them.

[*Latin ed. p. 327*]

In Potentina, XII canonicii erant, et totidem clerici, qui ex communi massa valebant, et cappellani appellabantur, qui, saltem ex consuetudine, non admittuntur ad participationem Missae, nisi si praevio gratuito ac diuturno servitio ecclesiae praestando, et nemo canonicatum adipisci poterat, nisi prius cappellani munus exciisset. Interea, anno 1819, editum est celebre Breve *Impenso*, Pii VII, per quod praescriptus fuit concursus pro assequendis portionibus in ecclesiis receptitiis regni Neapolitani, quae igitur ex innumeris factae sunt numeratae. Sed hoc Breve receptum non fuit in ecclesia Potentina, cuius Capitulum, sicut antea, canonicorum nomina perrexit inter cappellanos qui certo tempore gratuitum ecclesiae servitium praestitissent. Postea, juxta leges eversivas assis ecclesiastici a Gubernio italico anno 1867 promulgatas, numerus canonicorum ad duodecim redactus fuit, et cappellanorum ad sex, assignata pensione 46 presbyteris tunc ecclesiae Potentinae adscriptis. Rebus sic stantibus, anno 1896, occasione quaedam nominationis ad vacantem canonicatum, Litteris Apostolicis factae, Capitulum eam impugnavit, contendens sibi ius esse nominandi canonicorum; at Sacra Congregatio, die 16 Iulii 1896, confirmavit electionem peractam, atque a servitio gratuito praestando electum exemit (i). Non acquiescentibus tamen canonicis, quaedam conventio inita fuit inter Episcopum et Capitulum, qua proposita ad H. S. O., die 20 Septembris eiusdem anni, prodiit responsum: "Uniatur et reponatur. Et quoad provisionem canonicatuum, Episcopus recurrat ad Apostolicam Datariam." Ex hoc tempore, innumerabiles quaestiones exortae sunt inter Episcopum et Capitulum, sed, cum meriti quaestio usque adhuc indefinita manet, de consensu partium infrascripta dubia in hodiernis comitiis discutienda sunt. Iura Episcopi. Ipsius advocatus evincere primo nititur (i) Cfr. Acta S. Sedis, vol. 3 i, p. 322-341.

[*Latin ed. p. 328*]

328. The cathedral church of Potenza is subject to the law of the *Breve Impensa*. Indeed, the dependent churches had already received a certain regulation since 1797, as is evident from the circular letter of August 26, 1797, reported by Torelli (Collection of the acts of the Concordat, 1818, p. 3, in appendix). However, the *Breve Impensa* of 1819, and the appropriate subsequent provisions, completely overturned the discipline of the dependent churches, especially the order or plan for the numerous dependent churches, which were reduced to a numbered list. Finally, the Ordinaries were ordered to prepare a plan for each dependent church, from which would result a designated and certain number of clergy who could participate in the common [liturgy]. The lawyer continues: It is not to be supposed that the new discipline of the church of Potenza was not applied; for, among

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other things, in the Potenza Synod of 1834, it is written: "In accordance with the *Breve Impensa*, it has been decided that the clergy of the cathedral and collegiate churches must be provided for through aggregation; we wish and strictly command that this be observed... both in our cathedral and in the collegiate churches; otherwise, they will be considered as not participating in the future." Thus, the Bishop was given the power to aggregate or choose clergy for participation according to the prescriptions of the *Breve Impensa*. Furthermore, according to the lawyer, it is not useful to argue the contrary, namely, that a custom existed; first, because in the *Breve Impensa*, all custom, whether existing or future, is rejected and condemned: "We decree... notwithstanding... statutes and customs...; with all and each of which... we expressly and specifically derogate." Second, because the custom in question was unreasonable, since it was clearly contrary to the spiritual good of souls and the sacred worship, for which the *Breve Impensa* was precisely issued. Then, the lawyer argues, it is false that this custom was in force in the Chapter of Potenza from 1834 to the present. At most, it can be said that it persisted, and the clergy remained...

[*Latin ed. p. 329*]

The power of the ecclesiastical laws, which were overturned by the decrees of 1867, had been immense, limiting the number of chaplains and canons. From that time forward, no appointment has been made by the Chapter, although the Chapter has not lacked the opportunity to exercise its supposed right; except for two appointments of chaplains, which, however, have been challenged by the current Bishop. Secondly, the advocate contends that the canonries are to be conferred by the Bishop. Indeed, whether they are considered true canonries, as they were established in 1227 with distinct endowments, and in that case their collation should follow the ordinary legal procedures, as in other cathedral chapters; or whether they are considered major benefices, and in that case their collation also belongs to the Bishop, according to the Brief *Impensa* and subsequent ordinances. Then, the advocate proves his point by citing the custom, and presents a list of freely made elections of canons by the Bishops of Potentia. Furthermore, according to the advocate, the Chapter's claim cannot be admitted that the election of a canon falls among the participants or chaplains; for this condition was abolished, either by the concordat law or by the Brief *Impensa* and subsequent ordinances, as is evident from the fact that on many occasions, persons from outside the church have been elected as canons in the cathedral of Potentia, and sometimes even from outside the diocese. From this, it is also easily seen that the Chapter's second claim, regarding the obligation of the new canon to provide free service, before being admitted to the common Mass, falls; since this participation cannot be separated from the benefice; therefore, the new canon, as soon as he is named, acquires the right to the benefice

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and participation. Moreover, in all the bulls, silence has been maintained regarding the condition of free service; and if, at some time, this burden has been imposed on the new canon by the Chapter, it is said to have been done arbitrarily and for profit. Thirdly, the advocate argues that the Archpriest must be subject to the law of concurrence. This, he says, is clearly evident from...

[*Latin ed. p. 330*]

33° Ex Sacra Congregatione Concilii, articulo 11, Concordati anno 1818, ita scriptum est: « Praevio concursu in paroeciis liberae collationis Episcopi eas conferent iis inter adprobatos, quos digniores iudicabunt; » et Episcopi Potentini hoc iure usi sunt, quod plures probationes confirmant. Quoad vero duos vicarios qui Archipresbytero in cura animarum adsistunt, sive hi a Capitulo sive ab Archipresbytero deputentur, advocatus contendit eos subiici debere confirmationi et approbationi Episcopi. Quin imo, cum hi iuxta veterem et inoliatam consuetudinem fere totum sustineant onus curae actualis animarum, necessarium videretur eos fieri obnoxios examini de idoneitate, uti in citata littera circulari anno 1797 praescriptum fuit pro participantibus in ecclesiis receptitiis coadiuvantibus parochum in exercitio curae animarum. Quarto demum, advocatus observat, cum iuxta Concordatum anno 1818, Breve Impensa et alias ordinationes ecclesia Cathedralis Potentina iurisdictioni Episcopi sit subiecta, necessario sequi ipsius Capitulum teneri ad reddendam rationem propriae administrationis Episcopo, uti Concilium Tridentinum (Sessio 22, cap. de Reformat.) praescribit. Hinc a Capitulo Episcopus exigere potest ostensionem librorum Capitularium administrationis, quando adit ad aulam Capitularem; quin imo et eorum delationem ad palatium Episcopale iubere potest pro eorum examine, uti tradit Scarfant (Liber 4, titulus 4, n. 16) et De Herdt (Praxis Capit., cap. 16, § 4, n. j). Iura Capituli. Ex altera parte, patronus Capituli pluribus argumentis, primum adstructo quod ecclesia Cathedralis Potentina est vere receptitia, contendit ei non esse applicandum Breve Impensa. Sustinet enim, Capitulo ius inesse in suum clerum cooptandi clericos Potentinos alienigenis exclusis; id descendere ait ex natura ecclesiae receptitiae et ex iure civico, atque probat auctoritate Card. De Luca (De canon. disc. 22, n. 4). Hanc doctrinam advocatus deinde probat praxi et disciplina recepta in ecclesia Potentina. Sane ex libris Capitularium, constat nonnisi cives Potentinos, et praevia eorum petitione a Capitulo fuisse adscriptos.

[*Latin ed. p. 331*]

Next, the advocate argues that gratuitous, preventative service is required by the legal norm that governs recipient churches; thus, De Luca states (loc. cit., disc. ij, in princ., and it is consistent with Pallottini, Collect., v. ecclesia recepi., § 4). He asserts that this is confirmed by the constant custom in the church of Potentina, which is demonstrated either

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from the list of clerics who, at a certain time, gratuitously served the church, or from the testimony of several Bishops, or from the authority of a judgment rendered by the Sacred Roman Rota in 1720. Regarding the collation of canonries, the advocate argues that these should be obtained only by clerics already attached to the church, excluding all others, and that canons should be chosen only by the Chapter. First, he proves this from the instrument of erection of 12 canonries made by Bishop Garzia in the church of Potentina, according to which new canons from the aforementioned church should be chosen, and also from the resolution of the Sacred Roman Rota of November 24, 1742, which confirms the same. Secondly, he demonstrates this from the Rescript of the Sacred Roman Rota of September 16, 1902, which recognizes the Chapter's right to provide for vacant benefices, as well as from the aforementioned instrument of Bishop Garzia, which grants the Chapter the power to choose new canons. Furthermore, the advocate attempts to demonstrate that the church of Potentina is not subject to the *Breve Impensa*, either because the aforementioned *Breve* does not apply to the case, or because, if it did apply, it would have been abolished by subsequent contrary custom lasting more than 80 years, during which time the Chapter of Potentina has always acted in a certain way. Regarding the first point, relying on the authority of Torelli (*Chiave del Concordato*, page 124), he observes that the *Pian* Decree applies only to portions and participations in recipient churches, but not to canonries in churches that, although of the nature of recipient churches, are governed by the dignity of a cathedral; for it is written in the aforementioned *Breve*: "Only priests and clerics... who have been found to be more commendable in doctrine and piety are admitted to receive portions in recipient churches." Regarding the second point, he maintains that the aforementioned *Breve* was abolished by subsequent contrary custom lasting more than 80 years, during which time the Chapter of Potentina has always acted in a certain way.

[*Latin ed. p. 332*]

332 Concerning the assignment of clerics and the appointment of canons, according to ancient customs, with the approval of the Ordinary. It is asserted that the Papal Brief abolishes all contrary customs, provided that it restores what already exists; however, this refers to customs already in place, and not to future ones, which, if supported by legitimate reasons, have the force of law. Furthermore, the advocate mentions certain churches in which the Papal Brief was not accepted; among these, he cites the resolution in Oritana – concerning the assignment of the church, May 31, 1902. The advocate does not believe that the decision in the case of Potentina – concerning the canonry, July 16, 1898, can be effectively opposed, in which the appointment of the priest Michael Padula, although not made by the Chapter, was nevertheless recognized by the Holy See; and no obligation

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of gratuitous service was imposed upon the new canon. He points out that at that time, four canonries had been vacant for several years, and nevertheless, the Chapter refused to elect Michael Padula among the canons. Therefore, the Bishop, exercising his right of devolution, or rather, to remedy the Chapter's negligence, appointed the aforementioned priest as a canon; and consequently, no obligation of gratuitous service was imposed upon him, because the Chapter's persistent opposition in the case was the reason why the gratuitous service was not rendered by the aforementioned priest at the established time. Finally, concerning the appointment of vice-parishes, the advocate argues that this pertains to the Chapter, both because the Chapter has exercised this right as the habitual parish, from time immemorial, and because these assisting priests receive compensation from the Chapter. Indeed, he believes that this should also be the case concerning the administration of the parish, because the Chapter's assets, whether before or after the confiscation of funds by the state, are administered by the Chapter independently of the Bishop. Doubts. I. Does the Cathedral Church of Potentina fall under the provisions of the Brief Impensa of Pope Pius VII, August 18, 1819? II. How should provision be made concerning the aggregation of clerics and the service rendered by them in this case?

[*Latin ed. p. 333*]

III. Whether the Bishop can freely confer the aforementioned canonical institution in this case. And to the contrary: IV. Whether and in what manner the same right pertains to the Chapter. V. Whether those canons who are elected, without having performed or completed their service, are obligated to perform or complete their service as a condition for admission to the common Mass in this case. VI. Whether the Archpriest, as parish priest, is subject to the law of concurrence, and how priests assisting the said Archpriest are to be appointed in this case. VII. Whether the Bishop has the right to demand an accounting of the administration from the Chapter in this case. Resolution. The Holy Congregation of the Council responded to the questions proposed on the sheet of doubts on May 21, 1904, as follows: To I: Affirmative. To II: Affirmative, according to the Brief *Impensa*; and the Chapter shall draw up the Constitutions within six months, to be approved by the Bishop; if this time elapses without result, the Bishop himself shall draw up the Constitutions. To III: Affirmative, according to article X of the Concordat. To IV: Provided for in III. To V: Provided for in the foregoing. To VI: Affirmative, in part. To the second part: By the Chapter, together with the Archpriest, with due regard for the right of the Ordinary to examine and approve, and with a firm obligation of the Archpriest to care for souls. To VII: Affirmative. The patron of the Chapter petitioned for and obtained a new hearing. Although the representatives of the parties were warned of a new proposal regarding the cause, they presented nothing new. Therefore, the following question was proposed: Whether to adhere to or retract from

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the decisions in the case. Resolution. And the Most Reverend Fathers, having reviewed the aforementioned matter, responded on August 27, 1904: Adhering to the decisions.

[*Latin ed. p. 334*]

334 From the Decrees of the Holy Council, I. The Brief *Impensa* of Pope Pius VII brought the innumerable churches of the Kingdom of Naples under numbered jurisdiction, and subjected them to the authority of the Ordinaries. 2°. In these churches, benefices were to be conferred after a prior examination; hence, the previous obligation of gratuitous service and the exclusion of those from outside the diocese were abolished. 3°. Indeed, all customs contrary to this were abolished; however, whether, besides those mentioned, future customs were also abolished, it cannot be certainly determined, since even among the Doctors, there is debate as to whether a general clause can also derogate from a custom introduced later. 4°. But whatever may be the case regarding this question, it is not certain that a true custom derogating from the *Breve Impensa* existed in the cathedral church of Potentia; therefore, the aforementioned *Breve* must be enforced there. 5°. The Bishop of Potentia has the right freely to confer the canonry of the cathedral church, because Article X of the Concordat of 1818 states that "Canonries of free collation shall be conferred by the Holy See and by the Bishops; namely, for six months of the year by the Holy See, and for the other six months by the Bishops. The first dignity shall always be of free collation by the Holy See." 6°. The archpriest and parish priest are subject to the law of concursus, because according to Article XI of the same Concordat, "His Holiness grants to the Bishops of this Kingdom the right to confer parishes, which will be vacant at any time during the year. With prior concursus in parishes of free collation, the Bishops shall confer them upon those among the approved candidates whom they judge to be more worthy." 7°. Finally, the Bishop has the right, according to the decree of the Council of Trent (Session 22, chapter *de Reform.*), each year to demand an accounting from the cathedral chapter regarding the administration of the revenues.

[*Latin ed. p. 335*]

BERGOMEN. 335 BERGOMEN. REGARDING THE ULTIMATE INTENTION. Concerning a pious endowment for the poor, belonging to the parish which was later divided into two. Statement of the case. Count Galeazzo Caleppio, by his will dated March 26, 1871, endowed the poor of the parish of Tagiiuno, in the diocese of Bergamo, with an annual sum of 400 lire, to be distributed by the local parish priest, excluding any involvement of the Congregation of Charity, political authorities, or the municipal government. Meanwhile, in the year 1901, the parish of Tagiiuno was divided by a decree of the bishop, and another parish was established

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under the name of St. Mary of Cividino. The pastor of the new parish requested that a suitable portion of the endowment be allocated to him for the administration and distribution to the poor of his parish; however, the pastor of the mother church opposed this, stating that he was only willing to receive the prayers of the poor from the new parish, as recommended by the respective pastor. Consequently, the pastor of Cividino appealed to the Holy See. Reasons of the pastor of Cividino. He argued that the poor of his parish also had a right to the pious endowment, since both he and the testator were members of the same parish of Tagiiuno at the time the endowment was established and at the time of the testator's death; and that the fact that a new parish had been established did not mean that these poor had lost their right to the aforementioned endowment. Indeed, this is so clear and evident that even the opposing pastor of Tagiiuno cannot deny it; he merely opposes the transfer of a portion of the endowment to the new parish, and wishes to reserve the right to distribute a certain portion of the funds to the poor of the parish of Cividino. But the pastor of Cividino vigorously opposes this, either because it was the testator's intention that the income from the endowment be distributed to the poor by their own pastor, or because...

[*Latin ed. p. 336*]

336 From the Sacred Congregation of Rites: The proper pastor is better placed than others to discern the needs of his parishioners, either because otherwise, disputes and disagreements might arise regarding the distribution of the legacy, due to the preference that the pastor of the place of Tagiiuno might have for his own children. Reasons of the pastor of the place of Tagiiuno: He observes, on the contrary, that the poor of the new parish do not have a greater right to the benefit of the legacy, because a pious legacy was expressly left for the poor of the parish of Tagiiuno, whereas, on the other hand, the children of the new parish no longer belong to the old parish of Tagiiuno. Furthermore, he notes that the disbursement and execution of the legacy was reserved exclusively to the pastor of the place of Tagiiuno by the testator, and therefore, the pastor of the filial church cannot claim any right, since he was not in any way called to the administration of the legacy. Finally, he points out that in the decree of erection of the new parish, no mention or reservation was made for the participation of the legacy in favor of the poor of that very parish, nor perhaps could it have been made, because bishops cannot alter the pious wills of the deceased. Nevertheless, despite all this, the pastor of the place of Tagiiuno declares that he is not entirely unwilling to refund some part of the legacy even to the poor of the new parish, provided that, in each case, his request precedes. Resolution: To the Most Reverend Fathers of the Congregation of the Council, in the general meetings of June 25, 1904, it was ordered to respond: That the legacy be divided proportionally according to the

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number of inhabitants, calculated from the date of the division, and that the distribution be made by each pastor for his respective poor, and according to the following: "A pious legacy was left for all the poor of the parish of the place of Tagiiuno; of which part, because they now constitute a new parish, cannot lose the right to a proportional benefit of the legacy."

[*Latin ed. p. 337*]

From the Sacred Congregation of Rites, Instruction 3, section 2: A division of the legate is to be made in proportion to the number of inhabitants, calculated from the day of the parish's dismemberment; hence, this also prevents possible future controversies regarding the greater or lesser number of the poor existing in each parish. 3. The testator, in assigning the administration and subsequent distribution of the legate to the parish priest of Tagiiuno, intends only to exclude the authority, especially the secular authority, and not the parish priest of another parish erected in the same place; this is also to be presumed, even if not expressly stated, if he could have foreseen the case.

FROM THE SACRED CONGREGATION OF RITES, DECREE: Concerning the double genuflection to be performed by Canons entering and leaving the sanctuary for the "Agnus Dei." The Sacred Congregation of Rites inquired: Whether, in a solemn Mass celebrated before the Bishop, the Canons entering the sanctuary and leaving it for the "Agnus Dei" must both genuflect towards the altar with both knees, or whether they must, and may, genuflect with a single knee? And the same Sacred Congregation, after considering the written opinion of the undersigned Secretary and hearing the opinion of the Liturgical Commission, has definitively decided: Affirmative to the first part (1), unless (1) the *Caeremoniale Episcoporum* (book I, chapter 21, number 3), when speaking of the last circuit before the Bishop, states that the Canons, when reciting the "Agnus Dei" with the Bishop, "as they enter and leave the sanctuary, they genuflect towards the altar with both knees, out of reverence for the Most Holy Sacrament which is upon it." Therefore, the double genuflection is to be performed by the Canons; the single genuflection is permitted only when, as is customary, it is practiced, as cited in *Acta S. Sedis*, volume 36, page 697 (N. R.). The Decree of Rhemen is extant.

[*Latin ed. p. 338*]

338 From the Sacred Congregation of Rites, by established custom, a simple genuflection is performed according to the Decree of Rheims. May 20, 1904; and concerning the second part, provision is made as in the first. And thus it was written, on November 4, 1904. By A. Card. TRIPEPI, Pro-Prefect. L.S. f D. Panici, Archbishop of Laodicea, Secretary. CENETEN. In all anniversaries of the deceased, the antiphons are doubled. The present prefect of the sacred ceremonies in the Cathedral Church of Ceneten, with

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the consent of his Reverend Bishop, humbly proposed the following question to the Sacred Congregation of Rites, for a suitable declaration, namely: Whether the words of the rubric in the Roman Ritual, chapter 4, Office of the Dead, which are read as follows: "On the very... anniversary, the antiphons are doubled," are to be understood only of the first anniversary, or also of the other anniversaries to be celebrated in subsequent years? And the same Sacred Congregation judged that, in response to the report of the undersigned Secretary, and also to the careful opinion of the Liturgical Commission, the following should be answered: Negatively to the first part, affirmatively to the second. And thus it was written, on November 4, 1904. By A. Card. TRIPEPI, Pro-Prefect. L.S. f D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 339*]

From the Sacred Congregation of Rites, section 33g, dated Tunquin, concerning the Decree of Beatification, or Declaration of Martyrdom, of the Venerable Servants of God, members of the Order of Preachers: Jerome Hermosilla, Bishop of Miletopolis, Apostolic Vicar of Eastern Tunquin; Valentine Berrio-Ochoa, Bishop of Centuria, Apostolic Vicar of Central Tunquin; Peter Almato, Missionary Priest; and Venerable Servant of God, Joseph Khang, a native. At the request of the Most Reverend Father Maur M. Kaiser, General Postulator of the Order of Preachers, His Eminence and Most Reverend Lord Cardinal Dominic Ferrata, acting in place of and on behalf of His Eminence and Most Reverend Lord Cardinal Seraphin Cretoni, promoter of the aforementioned cause of Tunquin, presented the following question for discussion at the Royal Assemblies of the Sacred Congregation of Rites, convened at the Vatican on the date indicated: "Does it pertain to the validity of the processes conducted under Apostolic authority, as well as the investigations carried out by the Ordinaries; and also, to the obedience rendered to the Decrees of the Most Holy Pope Urban VIII concerning the cult of the aforementioned Venerable Servants of God, in the case and to the effect of which we are speaking?" And the Sacred Congregation itself, having also heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Sacred Congregation of the Faith, and having considered all matters, judged it fitting to respond: "Affirmatively, or it does pertain." On November 8, 1904. Subsequently, a report on these matters was presented to His Most Holy Lord Pope Pius X by the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, and His Holiness ratified and approved the Rescript of the aforementioned Sacred Congregation, on the 9th day of the same month and year. A. Card. TRIPEPI, Pro-Prefect. L. S. f D. Panici,

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Archbishop of Laodicea, Secretary.

[*Latin ed. p. 340*]

From Ex 3, 40, Sacred Congregation of Rites, GIENNEN. Concerning the matter of not tolerating a Missa lecta celebrated at the choral altar, concerning the use of two Missals, and concerning the "Gloria in excelsis" not being sung before. The Most Reverend Bishop of Giennensis, in Spain, desiring greatly that the sacred functions be properly performed in the Cathedral Church of the diocese entrusted to him, humbly requested a declaration from the Sacred Congregation of Rites concerning the following doubts: I. Whether it is permissible to tolerate the custom of celebrating one Missa lecta at the major altar, which is also choral, while the Prime is being sung in the choir? II. Whether the Canons celebrating the solemn Mass in the Cathedral Church may lawfully use two Missals, one at the Epistle side and the other at the Gospel side? III. Whether it is permissible for two singers to sing the "Gloria in excelsis" before the solemn Masses, while the Kyrie eleison is being sung in the choir? And God, etc... And the aforementioned Sacred Congregation, after considering the matter with the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, decided to respond as follows: To I, II, and III, the answer is negative, and the rubrics and decrees must be observed. And thus it was written, on November 2, 1904. A. Card. TRIPEPI, Pro-Prefect. L. S. f D. Panici, Archbishop of Laodicensis, Secretary.

[*Latin ed. p. 341*]

From the Sacred Congregation of Rites: The right to bear the poles of the baldachin in Eucharistic processions, and to carry the elevated lamps on either side, belongs to the Confraternity of the Most Holy Sacrament. The Most Reverend Lord Anthony Sebastian Valente, Archbishop of Goa, Patriarch of the Orientals of India, has reverently requested the Sacred Congregation of Rites to resolve the following doubts:

I. Given that the Confraternity of the Most Holy Sacrament has precedence in Eucharistic processions, does it also have, above all other Confraternities, the right to bear the poles of the baldachin under which the Most Holy Eucharist is carried, as well as to carry the elevated lamps on either side of the baldachin?

II. And if the answer is affirmative, can the Ordinary permit a custom whereby other Confraternities, on the feast day of their patron, are accustomed to carry the poles of the baldachin and the elevated lamps on either side in a procession with the Most Holy Eucharist, given that the Confraternity of the Most Holy Sacrament has precedence?

(i) (i) Pope Gregory XIII, in the pastoral constitution *Exposcit pastoralis officii* of July 25, 1583, in order to resolve controversies concerning precedence in processions among various lay confraternities, prescribed the fol-

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lowing general rule: "Those who are in a quasi-possession of precedence and the right to precede... must precede in both public and private processions. When, however, it is not proven or established that such a quasi-possession of precedence exists... among confratres disputing among themselves, those who first (in a city or place) used the banners, must precede in both public and private processions..." This rule was subsequently confirmed in several decrees of the Sacred Congregation of Rites, such as in the decree of Tarentum, July 2, 1588, n. 3; Thelesina, March 19, 1611, n. 291; and July 24, 1638, n. 653, etc. However, a certain limitation was introduced to this general rule in favor of the Sodality of the Most Holy Sacrament, which has precedence over other, older lay sodalities, not only in all processions of the Most Holy Sacrament, but also in any other functions in which the Most Holy Eucharist is present.

[*Latin ed. p. 342*]

342 From the Sacred Congregation of Rites and Sacraments, in response to the report of the undersigned Secretary, after careful consideration by the Liturgical Commission, it was deemed necessary to write the following: Regarding I. Affirmative. Regarding II. Negative. And so it was written, on November 11, 1904. A. Card. TRIPEPI, Pro-Prefect. L. "f S. f D. Panici, Archbishop of Laodicea, Secretary. It is reported; therefore, omitting the rest, it is evident from the Decrees of the Sacred Congregation of Rites in Milan, June 19, 1655, no. 986; Novara, August 26, 1752, no. 2421; Imola, April 12, 1823, no. 2628; Westminster, December 11, 1896, no. 3935; and especially in Benevento, August 7, 1833, no. 2708. Therefore, the aforementioned privilege does not allow the Sodality of the Most Holy Sacrament to participate unless it also joins other processions, and in its proper place or according to the order of precedence; indeed, it is even obligated, and may be compelled, to participate in other processions, but only by order, prudence, and the judgment of the Ordinary; as is clear from the Decrees of the same Sacred Congregation in Lünen and Sarqanen, June 18, 1639, nos. 682; Vercelli, September 20, 1687, no. 179; Melitene, September 23, 1820, no. 2606; Squillace, January 17, 1887, no. 3668; and especially in Benevento, August 7, 1833, no. 2708. Furthermore, the *Caeremoniale Episcoporum* (Book of Ceremonies for Bishops), Book I, chapter 14, no. 4, notes that "in processions of the Most Holy Sacrament, the more worthy priests of the Chapter (baldachin) are usually observed to carry the poles, such as canons, or beneficed priests, or more worthy mansionaries of the church." "Whether these are dignitaries or according to custom." With these words, no precept is given for canons or other beneficed priests to carry the baldachin poles, but only a current custom is indicated. In the absence of priests of the Chapter, there is no doubt that other priests or even deacons may be called, who, according to the *Caeremoniale*, Book I, chapter 14, no. 3, and Book II, chapter 33, no. 21, will "carry the baldachin poles throughout the church

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and leave them at the door of the church in the hands of lay people, who should be, first, barons and nobles or magistrates, and then others." Even if noble men are lacking, then only the right of the Confraternity of the Most Holy Sacrament arises to support the baldachin poles, excluding members of other confraternities, despite any custom to the contrary, as is stated in the present decree. Finally, the *Caeremoniale Episcoporum*, Book II, from here to chapter 33, no. 7, prescribes: "And then eight chaplains will go... carrying burning censers." "And in the *Instructio Clementina* for the Forty Hours Devotion, § XX, which, however, does not obligate outside the city, it states: 'Eight priests, wearing copes and with burning candles in their hands, will certainly go from the sides in front of the baldachin.'"

[*Latin ed. p. 343*]

From the Sacred Congregation of Indulgences, paragraphs 3, 3, and 4. From the Sacred Congregation of Indulgences and Sacred Relics, concerning the authenticity of one of the thorns of the Crown of Our Lord. The Most Reverend Bishop of Palencia, Henry Almaraz y Santos, Prefect of this Sacred Congregation of Indulgences and Sacred Relics, presented a question to be resolved concerning the authenticity of one of the thorns of the Crown of Our Lord Jesus Christ, which is preserved in the sacristy of the parish church of his diocese, Santa Maria ad Spinam, to which formerly was annexed a monastery of Cistercian monks. Furthermore, the Sacred Congregation, to which the Bishop of Palencia submitted documents for examination regarding this matter, proposed the following question to be answered: Whether, from the information presented by the Bishop of Palencia, moral certainty can be obtained regarding the authenticity of the Sacred Relic, so that it may be publicly venerated in the future? And the Eminent Fathers, in the General Congregation held on August 13, 1904, in the Vatican Palace, decreed that the following should be answered: It is not within our purview to pronounce judgment on the information presented by the Bishop of Palencia. However, considering rather the secular practice of the veneration of the Sacred Relic exhibited, the Bishop may exercise his right. This resolution of the Eminent Fathers, in an audience held on September 14, 1904, by the undersigned Cardinal, states: Or, if the clergy are lacking, according to our opinion and the custom of some places, then the Confratres of the Most Holy Sacrament bring the funereal paraphernalia, but they should not proceed from the sides, that is, from one and the other side immediately before the baldachin, but rather somewhat separated from each other, so that a third person may easily proceed between them. Cf. De Herdt, *Praxis Pontificalis*, as well as Van der Stappen, Volume V, chapter 6, number 13, or even standing beside them, Volume III, Book 2, chapter 33, number 7. When the clergy are lacking, according to our opinion and the custom of some places, then the Confratres of the Most Holy Sacrament bring the paraphernalia (according

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to the Decrees of the Sacred Congregation of Rites, Nicene Council, January 30, 1616, number 33g; Baren, September 23, 1713, number 2220; Senogallien, May 5, 1736, number 2320; Bonaëren, May 4, 1882, number 3549), they should not proceed before the baldachin after the Chapter, but from the side of the baldachin. (Note of the Editor).

[*Latin ed. p. 344*]

From Decree 344, concerning extraordinary ecclesiastical affairs, submitted to His Most Holy Father, Pope Pius X, the same Most Holy Father benignly approved and confirmed it. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 14th of September, 1904. Cardinal TRIPEPI, Prefect. L. S. f D. Panici, Archbishop of Laodicea, Secretary.

An indulgence is granted to those who invoke the Most Holy Names of Jesus and Mary.

Most Blessed Father, Antonio Maria Grasselli, Archbishop of Viterbo, prostrate before the throne of Your Holiness, humbly implores, for the benefit of all the faithful, that whenever they devoutly invoke, with their lips, or at least with their hearts, the Most Holy Names of Jesus and Mary, they may receive an indulgence of 300 days, applicable also to the souls in Purgatory. That, etc. (1)

From the audience of His Holiness, on the 18th of September, 1904. His Most Holy Father, Pope Pius X, benignly granted the grace according to the petition. This present decree is valid forever, without any further brief being required, notwithstanding any contrary provisions.

Given in Rome, from the Secretariat of the Sacred Congregation for Indulgences and Sacred Relics, on the 10th of October, 1904. Cardinal TRIPEPI, Prefect. L. S. f D. Panici, Archbishop of Laodicea, Secretary.

(1) (Version). From Viterbo, to Most Blessed Father – Antonio Maria Grasselli, Archbishop, prostrate before the throne of Your Holiness, humbly petitions for all Christians, that whenever they devoutly invoke, with their lips, or at least with their hearts, the Most Holy Names of Jesus and Mary, they may receive an indulgence of 300 days, applicable to those dwelling in Purgatory. That, etc., also for the souls.

[*Latin ed. p. 345*]

From the Sacred Congregation for Extraordinary Ecclesiastical Affairs, 04.S.

FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS. Indulgences are granted to those who recite the following prayer at the beginning of Mass.

OFFERTORY TO BE SAID AT THE BEGINNING OF THE HOLY

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MASS.

Eternal Father, I join myself to the intentions and affections that the Most Holy Virgin Mary had on Calvary, and I offer you the Sacrifice which your beloved Son Jesus offered of Himself on the Cross, and which He now renews on this holy Altar:

1. That I may adore you and render you the honor that you deserve, confessing in you the supreme dominion over all things, the absolute dependence of all things upon you, and in you our only and ultimate end.

2. That I may give you thanks for the countless benefits received.

3. That I may appease your Justice, which has been offended by so many sins, and render you worthy satisfaction.

4. That I may implore grace and mercy for myself, for..., for the afflicted and those in tribulation, for the poor sinners, for the whole world, and for the blessed souls in Purgatory.

From the Audience, July 1, 1904.

His Holiness, Our Lord Pope Pius, by divine providence, PP. X, having graciously approved the undersigned, Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, grants the Indulgence of three hundred days, according to the form of the Church.

(Version).

Oblation to be recited at the beginning of the Holy Mass:

Eternal Father, I make my intentions and affections the same as those which the Most Holy Sorrowful Virgin Mary had on Calvary, and I offer you the sacrifice which your beloved Son Jesus offered of Himself on the Cross, and which He now renews on this holy Altar:

1. That I may adore you and render you the honor due to you, confessing in you the supreme dominion over all things, the absolute dependence of all things upon you, and in you our only and ultimate end;

2. That I may give thanks to you for the innumerable benefits received;

3. That I may appease your Justice, offended by so many sins, and render you worthy satisfaction;

4. That I may implore grace and mercy for myself, for..., for the afflicted and those in tribulation, for the poor sinners, for the whole world, and for the blessed souls in Purgatory.

[*Latin ed. p. 346*]

Appendix 346 II. This [prayer] is also to be recited repeatedly each day by all the faithful of both sexes who have devoutly recited the aforementioned prayer at the beginning of the Holy Sacrifice of the Mass, to which they have attended; and, for the attainment of the plenary Indulgence, once a month by those who have been sacramentally confessed and have received Holy Communion, reciting the same prayer on all and each days of precept,

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at the beginning of Mass. These Indulgences, His Holiness has mercifully decreed in the Lord, are applicable to the souls in Purgatory. Contrary opinions are to be disregarded in no way. Given in Rome, from the Secretariat of the aforementioned Holy Congregation, on the day, month, and year mentioned above. (1) L. S. JOSEPH AVERSA, Under-Secretary. The present Rescript has been transmitted to this Secretariat of the Holy Congregation for Indulgences and Sacred Relics. In whose faith, etc. Given in Rome, from the same Secretariat, on the 8th of July, 1904. L. S. Joseph M. Can. Coselli, Substitute.

APPENDIX II. CONCERNING DISPENSATIONS REGARDING VALID AND LAWFUL MARRIAGES.

§ 2. Concerning the Nature of Power. (2) 18. Two kinds of power are commonly distinguished in the Church by Doctors: namely, the power of order and the power of jurisdiction (3); "for since the proximate end of the Church is... sanctification" (1) Concerning the matter, see the prayer which is found in the Raccolta di Orationi e Pie, 1898, p. 29. (2) Compare Acta facit di etiam oratio, quae prostat in Raccolta di Orationi e Pie (N. R.), page 131. (3) The question is among Doctors whether, besides the power of order, a third member should be admitted, namely, the power of teaching. TARG.UINI.

[*Latin ed. p. 347*]

Appendix II. 347 souls (Rom. VI, 2), which can only be saved through the cooperation of two powers, namely, sanctifying grace, which Christ willed to confer through the Sacraments, and the authority of the Church, as Augustine writes: "A third kind of power, which is that of the magisterium, he vainly attributed to it." (Philipps, *Droit ecclésiastique trad. par M. Crouzet*, Introduction, § XXXII, and elsewhere). For if the magisterium is considered a pure power, it cannot be said to be such; but if it is conceived as having the authority to incline the faithful to obey the faith, and to impose doctrines, then it is a part of the power of jurisdiction. Therefore, it was not necessary to depart from the doctrine known in the schools; DE LUCA, S.J., *Institutiones Iuris Ecclesiastici, Ecclesiae Publici...*, vol. lib. I, n. 4 i, 2, p. A t alii D.D., especially theologians, hold the contrary opinion. However, it is not difficult to reconcile both opinions, if we keep in mind what the learned Christ, writing from Rome, in his own manner, states in thesis V, p. Card. FRANZELIN (*Theses de Ecclesia* 46). Since we are dealing with a recent question, we believe it will be pleasing to our readers if we present at length what Cardinal FRANZELIN has written on this matter. Therefore, he first proposes the following thesis: "Although there is a real and most necessary distinction between the power of jurisdiction and the other power, which is based on the division of order and jurisdiction; nevertheless, the power, in a general sense, must be distinguished in Sacred Theology into the power of governance or jurisdiction, specifically

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called so, and into the power of authentic and, in its fullness, infallible magisterium, so that the distinction of three members of the priesthood or sacred ministry, the ecclesiastical empire, and the authentic magisterium, should be considered theologically true." And in the course of the thesis, he explains the distinction between the specifically understood power of jurisdiction and the authentic magisterium. "Truly, what is primarily asked of us is not a distinction or division of the power of jurisdiction, considered in a general sense, from another power of order; but whether and how, within that very power of jurisdiction, the power of the divine magisterium and the power of the ecclesiastical ministry, or specifically called jurisdiction, should be considered distinct in themselves."

"1. In order to preempt any suspicion of novelty that might be instilled in some from the very beginning, let us first examine how the older theologians have spoken and thought about this matter. Suarez, for example, speaks in such a way as to suggest that a distinction is commonly accepted and is self-evident, and does not require proof or defense. Where he demonstrates that the Constitution of Gregory XIII, *Ascendente Domino*, is not merely disciplinary but dogmatic, and therefore, by the fullness of its power, infallible, he assumes a distinction between the two keys of doctrine and jurisdiction, as certain and necessary. — Because power must be adapted to the act, it is clear that here we are not merely speaking of the power of jurisdiction, but of what is called the key of science; for this was, in itself, necessary to..."

[*Latin ed. p. 348*]

Appendix 348 II. Whether through right faith or through a good life, cooperation necessarily implies that there must be two kinds of power in the Church: one that is ordered to administering the sacraments, and the other to making declarations (namely, to the declaration to which, therefore, a sufficient power of jurisdiction was not previously applied). But the fullness of power in this sense is nothing other than the power to teach, with the assistance of the Holy Spirit and with infallible certainty. – Suarez, *de Relig.*, vol. IV, part I, chapter 4, paragraphs. The same distinction is adopted in the *Defensio* where Paul V condemned the Apostolic letters by which the doctrine was declared and the use of the oath imposed by King James I of England upon his Catholic subjects, to discover and repress Catholics; where I wish you to note the author's observation that the key of knowledge pertains to the condemnation of error in itself, while the key of power or jurisdiction refers to persons, to whom a precept or prohibition is addressed. – "The formula of the oath," he says, "contains many things contrary to religion and good morals, therefore the Pope rightly used the power of the keys to condemn it, namely, by the key of knowledge, declaring the injustice and malice of that oath, which is the proper function of the pastor, to whom it belongs to feed the flock of Christ; and by the key

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of power, prohibiting such an oath." To condemn false doctrine, it is not necessary for the judge to seek out the author of it, nor is it necessary to forbid him, other than through his writings; but for such an oath, jurisdiction is necessary in those to whom the precept is addressed, namely, the English Catholics, who recognize the Supreme Pontiff as their pastor; therefore, the Pope could rightly impose such a prohibition upon the English, especially since he did not enact a new law, but declared the divine and natural law concerning avoiding illicit oaths and fleeing false error (by the key of knowledge), and confirmed it by his precept (by the key of power). As for the king, although it is true that the Pope is the competent judge, as we have shown above (from the character of baptism), nevertheless, in this act, he did not exercise any jurisdiction over the King. – *Defensio fidei*. "He did not exercise any jurisdiction over the King; but certainly, even for the King, as for all others, he exercised the power 'of declaring the malice of that oath' and 'of condemning the false doctrine,' which is the power called the key of knowledge, 'to which it is not necessary to have the judgment of jurisdiction, as Suarez teaches throughout the context.'" "The excellent theologian of Louvain, Thomas Stapleton, speaks in the same sense, but with a slightly different division, of the keys, for he places the key of knowledge on one side, and on the other, the keys of order and of jurisdiction..." – Stapleton, *Opp.*, vol. I, *de Princip. fidei*, I, VI, chapter 1. "This, incidentally, is enough to show that the distinction between magistracy and the exercise of jurisdiction in the Church was understood by the ancient theologians in such a way that they would not have called their distinction into doubt, nor would they have thought it possible to do so. But so that the distinction itself is not misunderstood, its formal reasons must be defined more precisely."

[*Latin ed. p. 349*]

Appendix II. J49. "Every power of the order is said, and that which is instituted to direct and, as far as possible, effectively promote the cooperation of the faithful, and every power of jurisdiction, 'Now we can set forth, for closer consideration, the principal distinctions between the power of the magistracy and the ecclesiastical authority, or jurisdiction.' 'd) The power of the magistracy extends more widely than that of jurisdiction, by reason of the institution of Christ the Savior of the world, encompassing all nations, not only those already gathered into the Church, but also those to be called into the Church...' 'b) The proper object of the power of the magistracy is truth itself, namely, divine doctrine and law, infallibly declaring what has been revealed by God, adding nothing of its own, taking nothing away from the divine...' Hence, doctrines and laws once infallibly proposed or defined by the magistracy are immutable, and there is no power to abrogate, change, or grant dispensations in them. Likewise, the interpretation of divine law by the magistracy is only ever adhesive; if,

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at times, divine law appears to be interpreted in a somewhat extended manner, it is done by the legislative power of jurisdiction.' 'c) The object of the magistracy, formally considered (i.e., insofar as it is the magistracy), is the infallible manifestation of divine doctrine and law... The object of jurisdiction is not the manifestation of revealed truth... but its application, defense, and vindication within the Church, through its own ecclesiastical laws, precepts, judgments, and sanctions.' 'd) From the authentic and infallible teaching, by preaching, exposition, and definition of doctrine as revealed, arises immediately the divine obligation of obedience of faith (Rom. 1:5; Gal. 3:2), i.e., obedience of faith for the sole formal reason of the authority of God revealing, although the truths to be believed are those which must be widely believed, through the infallible proposition of the infallible magistracy, we must believe whatever the Church proposes, because God has revealed it; the power of jurisdiction, indeed, is also instituted by Christ the King and derived into His Church, but so that it is a proper ecclesiastical power belonging to the Pope and others to whom the ordinary ministry is communicated, by virtue of which it governs, not by divine, but by its own ecclesiastical laws, judgments, and sanctions, and through all of these it applies, defends, and vindicates the divine doctrine and law transmitted by the infallible magistracy, towards those subjects who are subject to the jurisdiction in the kingdom of Christ according to the hierarchical subordination.' 'Therefore, the power of jurisdiction refers, by itself and immediately, not to internal but to external acts within the visible kingdom of Christ; the power of the magistracy, first and foremost, reaches and binds the internal mind and will.' 'On the contrary, the power of jurisdiction establishes its own laws, and thus a new law is created or can be created, which, as in its origin, so also in its force, or in dispensation, modification, or abrogation, depends on the power of jurisdiction itself...' 'Therefore, there are reasons of grave importance for the science of theology concerning the power of jurisdiction.'"

[*Latin ed. p. 350*]

Appendix 35o II. pellatur » (TARQUINI, Iuris Ecclesiastici Institutiones..... Romae 1862, lib. i, n. 4; S. THOM. Supplem, qu. XVII et sq.; LEPICIER De indulgentiarum valore disquisitio theologica, Romae 1900, p. I, n. I i). 1 9. Cum in dispensatione matrimonii rati et non consummati nullum sacramentum efficatur, ut patet, potestas dispensandi non est potestas ordinis sed potestas iurisdictionis. 2 0. Porro potestas iurisdictionis multipliciter a Doctoribus distinguitur: ad casum praesentem sufficit memorasse, iurisdictionem etiam in iurisdictionem propriam et vicariam, seu ministerialem, quae ita describuntur a WERNZ (Ius decretalium, tom. 2, de const. Eccl. Catholicae, Prooemium § 3, n. f). « Prior vocatur quae connaturaliter sequitur ipsam existentiam Ecclesiae ut verae societatis perfectae atque exercetur ab Ecclesia nomine proprio ut in foro suo. Qua

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potestate utitur Ecclesia si fideles indignos per excommunicationem a suo coetu expellit vel parochos negligentes suis officiis privat. Cfr. CAVAGNIS, Inst. iur. publ. Eccles., p. i, p. 41 sq., 112 sq. Altera cum potestas dicitur illa quae Ecclesiae concessa est vi specialis commissionis atque exercetur ab illa ut in foro Dei. Vi huius vicariae potestatis infallibiliter declarat verbum Dei, remittit peccata, concedit indulgentias, solvit vota, iuramenta, matrimonia rata ». Quoniam potestas iurisdictionis ut pro sua diversitate a potestate ordinis generice spectari et dici solet, ipsa in regno veritatis fidei et sanctitatis morum distinguatur, quatenus est suprema potestas ecclesiastici imperii seu specificae dictae iurisdictionis in universam Ecclesiam, et quatenus est suprema potestas infallibilis magisterii, quemadmodum ipsum Concilium Oecumenicum (Vaticanum) utramque non velut unam confundendo, sed duas connumerando distinctis capitibus definivit et declaravit, ita ut unitae duae claves S. Petri censendae sint consertae quidem et inseparabiliter auctae, non tamen confusae in unam, cum ambae datae sunt a Christo ad ligandum et solvendum, modo tamen diverso, ratione tum extensionis, tum specialis obiecti, tum efficientiae seu proprietatis solutionum ac ligaminum ». (Cfr. quaest. etiam BILLOT, VIII). Tractatus de Ecclesia Christi. Editio altera, Romae 1902.

[*Latin ed. p. 351*]

35 I 2 1. Non sunt deficientes qui, in temporibus praeteritis, putaverunt indissolubilitatem matrimonii ratae ex iure humano pontificio provenire; cuius opinionis argumenta describit et refutat SÁNCHEZ (De Matrimonio, liber II, disputatio Iß, n. 6 et sequentes). Sed "in nostra aetate non amplius in dubium vocari potest etiam matrimonium ratum ex iure naturali et divino esse indissolubile" (WERNZ, loc. cit., n. 6p8, nota ßp; PALMIERI, Tractatus de matrimonio christiano, pars XVII et sequentes). 22. Quare solutio matrimonii ratae "non est actus potestatis legislativae, sicut est dispensatio, sed est actus alter plenitudinis potestatis solvendi efficax ex se ipso seu ex opere operato" (PALMIERI, loc. cit., pars XXV, n. LX); et iuxta supradictam divisionem, potestas dispensandi seu solvendi matrimonia rata et non consummata est quidem potestas iurisdictionis, non vero connaturalis sed vicariae. 23. Ad pleniorem intelligentiam naturae huius potestatis, nonnulla ulterius inquirenda sunt. 24. Ac in primis, an exercitium huius potestatis haberi debeat ut solutio vel dispensatio matrimonii. 25. Inter Doctores et in praxi, promiscue haec vocabula usurpantur. Sic BENEDICTUS XIV, seu melius LAMBERTINI, tunc cum erat a Secretis S. C. C. in causa Frisingen, die 7 Maii 1718, scribit: "supplicat pro eius solutione seu dispensatione" (Quaestiones Canonicae, q. 24). Tamen in praxi SS. CC. magis in usu est expressio dispensationis. Sic in S. Congr. Concilii, quando agitur de his dispensationibus, proponitur solvendum dubium sub consueta formula: "An consulenda sit S. S. mo? Si pro dispensatione matrimonii rati et non consummati; et in S. C. de Propaganda Fide: "An supplicandum sit S. S.

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mo pro dispensatione a matrimonio rato et non consummato." 26. Profecto absque dubio in exercitio huius potestatis vera habetur solutio vinculi matrimonialis.

[*Latin ed. p. 352*]

352 Appendix II, 27. Sed nihil impediat, ut talis solutio etiam dicatur dispensatio, non quidem in senso proprio, sed in senso aliquo lato. Certum est enim, si dispensatio accipitur proprie, sicut quando significat relaxationem legis, seu melius, obligationis legis, concessam favore alicuius, qui tamen manet sub dominio legis, ut accidit, exempli gratia, in dispensatione a lege ieiunii, talis dispensatio non habet locum in solutione matrimonii rati et non consummati, in qua, cum dissolvatur ipsum vinculum matrimoniale, eo ipso coniugi subtrahuntur a dominio legis matrimonialis.

28. At aptissime dici potest dispensatio in senso lato, sicut explicat BouQUILLON, secutus SUAREZIUM, in casu simili dispensationis voti: «Dispensatio voti est debiti voto contracto remissio nomine Dei facta per superiorem legitimum; unde maxime differt a dispensatione in lege, siquidem haec sit directa relaxatio obligationis, illa vero directa abrogatio facti, qua posita obligatio ipsa extinguitur; vocatur autem praedicta debiti remissio nomine dispensationis, quia non Deus ipse immediate, sed per suum vicarium et quasi dispensatorem eam facit. Praeterea facile intelligi potest tali modo fieri dissolutionem pacti et extinctionem obligationis.» Sequitur citatio SUAREZII: «Nam etiam inter homines hoc modo tolluntur obligationes promissionum, et rex posset committere officiali suo ut promissiones sibi factas relaxaret vel componeret; ita ergo intelligere possumus fecisse Deum. Et tunc non dispensatur in iure divino... sed est dispensatio in iure Deo acquisito per votum quod suo modo ad factum pertinet, quatenus ius dicit actionem ad debitum. Quo modo possunt homines dici dispensatores iurium seu bonorum Dei, sicut a Paulo dicuntur dispensatores mysteriorum Dei, I Cor. 4?» - Ita Suarez, 1. 6, c. 9, n. 15 (Tractatus de virtute religionis... Brugis 1880, n. 449).

29. Sed praeter hanc rationem, quae communis est dispensationibus votorum et matrimonii rati, pro solutione matrimonii rati specialis habetur ratio, ita ut maiori iure solutio haec dici possit dispensatio.

[*Latin ed. p. 353*]

Appendix II. 30. Indeed, the dissolution of a vow does not merely not imply any relaxation of the law, but is, on the contrary, entirely in conformity with the law of a proper promise, whose nature is such that one is bound to stand by his promises as long as the person in whose favor the promise was made has not renounced the right acquired by the promise; but in the dissolution of a vow, there is a renunciation, on God's part, of the right acquired by the promise, or the vow itself. However, the dissolution of a valid but unconsummated marriage cannot take place without, at the

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same time, a relaxation, for the particular case, of the law concerning the indissolubility of marriage. The fact of the bond is, indeed, annulled, but simultaneously, in that case, the law of indissolubility is relaxed. For, just as in the dissolution of a vow, there is an abrogation of the fact, so also in the dissolution of a valid but unconsummated marriage, the fact is abrogated; but with this difference, that in the dissolution of a vow, the fact is abrogated strictly according to the law that governs promises and vows; on the contrary, in the dissolution of a valid marriage, the fact is abrogated contrary to the law of the indissolubility of marriage, and therefore, in order that the abrogation of the fact may be legitimate, it is necessary that, for that particular case, the universal law of indissolubility be relaxed.

31. Therefore, the dissolution of a valid but unconsummated marriage can more properly be called a dispensation than the dissolution of vows, not only because it involves a dispensation of God's favors, but also because it involves a certain relaxation of divine law.

32. Furthermore, it may be asked: whether the dissolution of a marriage is an act of grace or of justice.

33. There have been those who recently defined this kind of dissolution as an act of justice, whose opinion, along with the explanations of other Doctors concerning the juridical nature of this dissolution, is reported by FAHRNER (Geschichte der Ehescheidung in canonischen recht..... Freiburg ipoj, page 88); but concerning these explanations, WERNZ rightly notes: "Those learned men of our time who have debated the juridical nature of the pontifical dispensation concerning a valid marriage, entirely lack theological and canonical precision" (loc. cit. in note 40).

[*Latin ed. p. 354*]

3 54 Appendix II. 34. Consequently, as is evident, such a dispensation is not an act of justice, but an act of grace; for, as FAHRNER rightly observes (loc. cit.), "The Pope, when exercising the power of dispensation, does not act as a judge, because he acts according to his free will and is bound by no legal reasons." On the other hand, when it is a question of declaring the invalidity of a marriage due to some impediment, a judicial act is performed, which is based on legal reasons, and the judge is neither free to render a judgment nor to refrain from doing so. However, it is less accurate that FAHRNER adds (loc. cit.): "Any dispensation remains valid, even if it proceeded from a lighthearted disposition." Although the Pope is not, by himself, constrained to grant a dispensation, if he does grant it, he must grant it, and indeed for its validity, because it concerns dispensing in divine law, or in the law of his superior. 35. Finally, it remains to see whether the power of dispensation can be delegated. 36. Since some Holy Fathers have indeed delegated it, there is no question about this matter. (Cf. supra n. 17 in note; WERNZ, loc. cit. n. 698 note 41, cites other examples). 37. Rather, it is important to note the difference that also exists under this

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heading between the power of order and the power of jurisdiction, so that the latter cannot truly be delegated. 38. Indeed, "the power of order is not transferred solely by the will and word of the one granting it, nor by a mere commission, but by the laying on of hands. Cap. unie. De sacra unctione et cap. ultim. De sacramentis non iterandis" (REIFFENSTÚEL, lib. i, tit. 27, § 4, n. 59). Therefore, "lacking the sacramental character... it cannot possess the power of order; hence, it cannot be delegated, nor can it be conferred in any other way except through the very sacramental ordination" (FRANZELIN, loc. cit., th. V, p. 10). On the contrary, the power of jurisdiction does not essentially depend on a character: "hence, jurisdiction is not only episcopal but also supreme and complete in the entire Church, which is..."

[*Latin ed. p. 355*]

Appendix LI. 355. In Romano Pontifice, potest esse potestas jurisdictionis, absque characteri episcopali. Hoc quidem, in re ipsa, locum habet, quoties Pontifex eligitur, qui nec episcopus, et forte neque presbyter, nec diaconus est; ex divina enim institutione, per legitimam electionem et accedentem ipsum consensum, Christus continuo totam confert iurisdictionis potestatem, eamque divisam a potestate ordinis. 39. Cum ergo potestas jurisdictionis allegata non sit characteri sacramentali, nihil obstat quominus delegari possit, et quidem non solum quae connaturalis dicitur (I. More maiorum, ff. de iurisdictione, et cap. 7, Cum episcopus de officio Ordinarii in 6); sed etiam ipsa vicaria; tamen intra limites iure divino vel ecclesiastico constitutos. "Hinc," scribit Card. FRANZELIN (l.c.), "patet ratio cur per delegationem Summi Pontificis, sive ea sit per legem generalem, sive fiat dispositione et actu particulari, ii qui episcopi non sunt, possint habere iurisdictionem, qua in conciliis oecumenicis, nedum concurrant ad decernendum in rebus ecclesiasticae disciplinae, sed etiam ad definiendum in rebus fidei; nam et hoc alterum non ad ordinis sed ad iurisdictionis potestatem generice spectatam pertinet." Diximus intra limites iure divino constitutos; non enim, v. gr., Summus Pontifex delegare posset alicui, in quacumque dignitate constituto, potestatem universalis magisterii, cum praerogativa, qua ipse personaliter gaudet, infallibilitatis in Ecclesiae universae magisterio. (Sequitur) B. Melata.

[*Latin ed. p. 356*]

Diary 356 of the Roman Curia.

DIARY OF THE ROMAN CURIA.

Pius PP. X, through letters from the Secretariat of State:

1. He deigned to nominate the Illustrious and Reverend Monsignor Franciscus Faber as Secretary of the Vicariate of the City.

2. He graciously chose the Illustrious Monsignor Octavius Pius Conti,

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Consistorial Advocate, as Assistant to the Eminent and Reverend Cardinal Aloysius Tripepi, S.R.C., Pro-Prefect, and as Procurator for the imminent canonization of the Blessed Alexander Sauli and Gerard Majella.

3. He added the Illustrious and Reverend Monsignors Scipio Tecchi and Hermetus Binzecher among the extraordinary abbreviators of the Sacred Major Penitentiary in the Apostolic Chancery.

4. Finally, he deigned to include among the Consultors of the Sacred Congregation for the Propagation of the Faith the Illustrious and Reverend Fathers Caietan Maria Sergio of the Congregation of Saint Paul, Barnabite; Benedict Oietti of the Society of Jesus; Seraphinus of Collepardo of the Minor Capuchin Order; and Johannes Angehim de Marchi of the Servants of Mary.

On November 17, 1904, the Eminent and Reverend Cardinal Aloysius Macchi, according to the rite prescribed by the Pontifical Roman, imposed the Sacred Pallium upon the respective Procurators, namely, the Patriarchs of Cilicia of the Armenians and of Venice, as well as the Archbishops of Valentia, Compsa, and Campania, Olomouc, Milwaukee, Saint John of Newfoundland, Naxos, Smyrna, Cincinnati, and Saint Louis in America; and also upon the Archbishops of Lucania, Ravenna, Palermo, and Urbino.

On November 21, the Holy Father himself imposed the Sacred Pallium upon the Eminent and Reverend Cardinal Peter Respighi, his own General Vicar, and upon the Procurator of the Eminent and Reverend Cardinal Achilles Manara, Archbishop of Ancona and Numana, and upon the Procurator of the Eminent and Reverend Cardinal Joseph Calasanctius Vives y Tuto, Bishop of Barcelona.

[*Latin ed. p. 357*]

ACTS OF THE ROMAN PONTIFF

Letters in which Pope Pius X expresses gratitude to the prelates of North America for their filial devotion.

TO OUR BELOVED SON, JAMES TITUS, priest of the Most Holy Roman Church, Cardinal Gibbons, Archbishop of Baltimore.

PIUS PP. X.

Beloved Son, greetings and Apostolic blessing.

The region of America, among the most outstanding of peoples in humanity, and most dear to Us, has become even more dear to Us through the letters which you, on behalf of the prelates of the United States of America, recently sent to Us. For We have learned that the hearts of those here are wonderfully devoted to the Roman Pontiff, although We have known this often, and even from you yourselves, when We were first brought to the

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Chair of Peter; nevertheless, a new argument has pleased Us.

That you wished to congratulate Us on the common vote of the annual assembly, in recognition of the highest dignity of the priesthood, is entirely fitting and in accordance with your company. And when you considered it proper to offer similar congratulations to the Church, to which Christ has appointed a Vicar who must restore all things in Christ, We believe that you did so not without entreaty and prayer, that from heaven, assistance may be granted to Us, through which the efficacy of Our concern, if there ever is any in Us, must proceed.

Indeed, you yourselves have sufficiently congratulated Us on this matter, since a most favorable inclination exists in Our heart towards the American people. And this sentiment, from which We have received so much joy, as clearly as from the light of your affection, We shall not only praise, but also...

Acta S. Sedis, Vol. XXXVI, page 6, 23.

[*Latin ed. p. 358*]

358 We also rejoice to confirm these letters. Since the people of Catholic America, following the example of the best prelates, have deemed it their duty, as children ought to do, to show us such obedience and charity, we receive it with the most earnest willingness. And if a frequent opportunity presents itself to demonstrate to you our benevolence and to impart it to you, it will be a source of great joy to us, and will undoubtedly contribute greatly to strengthening the bond that exists between your illustrious people and the Apostolic See. In the meantime, as a token of our affection and of heavenly blessings, we impart to you, to your colleagues, and to all the faithful of your dioceses, our Apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the 13th day of June, in the year 1904, in the first year of Our Pontificate. PIUS PP. X. *LETTERS OF POPE PIUS X TO THE "Sodalitas ad captivitatem abolendam" (Society for the Abolition of Slavery), associated with the third convention held in Tarentum.* TO THE VENERABLE PETER, ARCHBISHOP, BROTHER, OF TARENTUM. PIUS PP. X. Venerable Brother, greetings and Apostolic blessing. As the progress of time demands the advancement of civil society, we consider it most fitting that the "Sodalitas ad captivitatem abolendam," associated with the third convention held in Tarentum, is preparing to address this very matter. For, after two thousand years have passed since the Redeemer of mankind, Christ, freed men from the most unjust captivity of demons, it is certainly something that a human mind should consider, even now, that men are oppressed by the captivity of other men. But the remedy, which is Christ alone, must be perfected.

[*Latin ed. p. 359*]

Allocution 35g: If the freedom of religion is to be granted to the afflicted,

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there is no better way to achieve this than by first enlightening the minds of men, and then moving them with charity. We are greatly pleased that this objective, namely, the abolition of slavery, has been proposed to this assembly, and we declare that we remember with gratitude the efforts made by you, in accordance with our wishes, to arouse common concern and piety for this cause. Furthermore, that this assembly is to convene in Taranto, a city which has not infrequently shown hospitality to gatherings of Catholics, brings us no small joy, for we know well that neither the light of counsel nor the fervor of deliberation are lacking there. It remains for us to add our wishes and prayers that the assembly may conclude with a successful outcome, and for this purpose, with a spirit that is eager to assist the enslaved, we impart to you and to each member of the assembly our Apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the twentieth day of December, in the year 1904, in the second year of Our Pontificate. PIUS PP. X.

ALLOCUTION: In this allocution, Pope Pius X commends the efforts of the Association of French Jurists in defending the rights of God, the Church, and the Christian faithful.

It is pleasing to us, O beloved children, who are distinguished not only by virtue, but also by knowledge, especially of law and legislation; and the words spoken to us, filled with faith, devotion, and holy courage, are sweet to our heart, as is the history of your institution, so eloquently recounted by the venerable Bishop of Montpellier.

(i) On October 15, 1904, His Holiness received the Association of Catholic Jurists of France in audience, and responded to them with this allocution. Present were the Most Reverend and Reverend Monsignor Rovérié de Cabières, Bishop of Montpesier, and the Most Reverend Monsignor De Lamarzelle, Senator of the Republic (N. R.).

[*Latin ed. p. 360*]

36. Addresses were delivered by the most worthy senator, who presides over your association. Unfortunately, it is manifest to all the impious design and the ultimate goal to which the enemies of the Catholic Church have long been striving: to extinguish the faith in the Christian people through denial and doubt, and to extinguish their generous sentiments through indifference. They wish to turn the people away from this chair of truth and to deprive them of obedience to the Vicar of Jesus Christ, in order to subject them to their vile intentions. Surely, no plan could be conceived as more disastrous, both for the interests of religion and for the true well-being of the people, since the Church, through the doctrines it teaches, the precepts it proclaims, and the countless means at its disposal, not only provides for the eternal salvation of its children, but also for the temporal good of society; a good that can be hoped for in vain outside of God and His Providence. Now, no one could adequately appreciate the merit of

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those blessed individuals who, obedient to the command given by God to every man to strive for the eternal interests of his neighbor: *et mandavit illius unicuique de proximo suo*, who join together to oppose this infernal league, to shine the light of truth upon the people, and to instill in them a love for virtue. Therefore, I congratulate you, most beloved children, who, for over thirty years, with your association, have aimed at this goal and have fought the holy battle to uphold, in private and in public, and especially before the courts, the rights of God and the Church, the property and the freedom of those who serve either the one or the other, thus directly opposing the impiety that would even seek to proscribe the very name of God and the Church, and of those who observe and spread its most holy laws. I congratulate you, O generous champions, who re-

[*Latin ed. p. 361*]

Allocution 361: Knowing your duty, given the distinguished position you hold in society, you exercise a powerful influence on the people through your example, keeping them united with Christ and the Church. I congratulate you, powerful co-laborers of the Religious and Pastors of souls, who feel strengthened by having you as assistants in their battles, and who multiply the fruits of their ministry through the effectiveness of your words. I congratulate you, O glorious defenders of the persecuted and the oppressed; and may the prayers of so many souls who recognize your merits obtain for you from Heaven the most excellent blessings. I know well that you, faithful Christians, who have for a long time fulfilled what I have here recalled, never failing in your duties towards God and towards men, do not aspire, in the name of religion, to felicitations and praise, being content to repeat what Jesus Christ said to His disciples: "We are unprofitable servants; we have done what we ought to have done." *Servi inutiles sumus: quod debuimus facere fecimus.* But if you do not desire the praise of religion, at least receive the praise of your homeland, which also recognizes in you the principle of its salvation; receive the praise of the universal Shepherd of souls, who, appreciating your virtue, your studies, and your sacrifices, already sees the abundant fruits thereof for the tranquility of the Church. In the cataclysm of the universal flood, God preserved in the family of Noah a seed of resurrection: *remisit saeculo semen nativitatis*. You also participate in this seed, for whom the future generation will be called by the name of the Lord: *Annuntiabitur Domino generatio ventura*, which will live for God and serve Him. May the Almighty fulfill this my desire, and may the blessing that I impart from my heart be a foretaste of it.

PIUS PP. X.

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[*Latin ed. p. 362*]

362. MOTU PROPRIO: Concerning the Preservation of the Hierarchical Condition of the Orders of the Brothers Minor and the Piar Schools in Spain. PIUS PP. X. The particular governance, by which, as if by a salutary bond, Religious Orders derive strength and the protection of regular observance, in the preceding century, due to special circumstances, and furthermore, in an irregular manner, had to be regulated in Spain by the Apostolic See, so that administrators would be established, who, under various names, would govern all Religious within the dominion of the Catholic Kings; yet, even though these were called the superiors of the entire Religious family, they possessed no authority over the students of foreign provinces. However, the condition of this regular hierarchy, over the course of years, has been fraught with many and great difficulties, both within and outside the borders of Spain; therefore, countless Religious men, from every Order and every rank, have striven with commendable zeal to restore the former unity of governance, which had been far more glorious, even for the Spaniards themselves, due to the dignities and offices held by many of them at Rome, to the great commendation of the entire Catholic nation. Therefore, considering the circumstances, the Apostolic See has readily sought to satisfy the efforts of these Religious to restore the proper unity of each Order. Consequently, almost all Religious families are now governed by a single administration. How happily this has been accomplished is demonstrated by the Religious congregations themselves, which, having been restored to their former splendor, flourish among the Spaniards to such an extent that they are a great ornament to the nation. And if other Religious associations, which have not yet enjoyed the unity of governance, are known to be progressing and flourishing, it is primarily due to the good will of the students, who, not only...

[*Latin ed. p. 363*]

They are always ready to obey the mandates of the Apostolic See, but moreover, they are joined in spirit with the highest superiors of their respective Orders; hence, those who reside in Rome rejoice and glory in the fact that they have representatives from their own congregations among those same highest superiors. Indeed, as the Franciscan Order and the Order of the Piarists Schools continue to be governed in Spain in the manner in which they are currently governed, and as We, for particular reasons, permit and tolerate this, so that the substantial unity of these Orders may remain intact, which the Apostolic See has never wished to abolish, and so that certain, safe, and secure norms may be established regarding the extent of the power of the aforementioned superiors in Spain, and their connection with the highest superior of the entire religious Order, We decree and command, in virtue of holy obedience, the following:

I. The Apostolic Commissary-General of the Order of Friars Minor in

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Spain, as well as the General Vicar of the Piarists Schools, are truly General Vicars, one being the Minister General, the other the Prefect General of their respective Orders. Each shall use the title of General Vicar of the Friars Minor in Spain and General Vicar of the Piarists Schools in Spain, respectively, as their private and proper title.

II. Both are elected in the interprovincial chapter; for this is the term by which such chapters shall be designated. The electors, or as they are called, the members, who participate in these chapters, shall be the same as those who have the right to be present in the general chapter in the other provinces of the Order. Furthermore, the interprovincial chapters are to be held every six years, after the month following the celebration of the general chapter.

III. The assistants or definers of the General Vicars in Spain, with any other designation abolished, shall be called the assistants or definers of the interprovincial chapter of Spain. Their election shall take place in the interprovincial chapters.

IV. The General Vicars and their assistants or definers shall never serve in their respective offices for more than six years.

[*Latin ed. p. 364*]

364. By Apostolic Mandate, they shall be able to do so, unless by a special faculty from the Apostolic See. However, they shall relinquish their office one month after the celebration of the General Chapter in which either the Supreme Moderator is elected, or at least new Definitors are appointed.

V. The authority of the General Vicars of Spain is limited only to religious men who reside in the lands of Spain; these same Vicars possess only delegated authority in houses or monasteries located beyond the sea, in such a manner and with such scope as the Supreme Authorities of the Order shall deem fitting.

VI. Furthermore, this authority concerning overseas houses shall be defined by the General Moderator in common agreement with the Spanish Vicar, so that the following regulations are not overlooked:

a) The assignment and recall of religious men shall be carried out by the General Vicar, after first obtaining the consent of the General Moderator.

b) It shall also be the duty of the General Vicar to designate those who shall govern the overseas houses; however, this shall not be done without the prior consent of the Minister or Superior General, especially when it is a matter of choosing more important Superiors.

c) It is the right and duty of the Vicar, either personally or through another, to properly visit the overseas houses, provided that the General Moderator has given his prior consent.

d) The religious provinces located beyond the sea shall not depend on any Provincial Superior in Spain; the General Moderator of the Order shall

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be the sole Superior. Therefore, there shall be no place for the delegated authority of the General Vicars, if the overseas houses do not cohere with any province of Spain, as if they were a part of it, or if they are united with it into one province or quasi-province.

VII. The celebration of Interprovincial Chapters of Spain, as well as their confirmation, and also the elections held therein, pertain solely to the one General Moderator of the entire Order.

VIII. Whatever is to be decreed by the Regular Curia, which is located in Rome, for the sake of authority, shall be done through the General Vicars, in the ordinary manner.

[*Latin ed. p. 365*]

Motu Proprio 365 shall be transmitted. Furthermore, let the same Vicars explain it and inquire about the sentiments of the members; however, the Supreme Superiors of the Order will not grant obedience, which they call "ordinary," to be carried out outside of Spain. — No member of the religious order shall be able to leave Spain, even to come to Rome, unless granted permission by the Master or General Prefect; and if summoned by this authority, he must not refuse to proceed, as the IX [Canon] states. To the Supreme Superiors of the Order are reserved the founding of new houses, the expulsion of members from the order, and their dismissal from the order, as well as the execution of apostolic briefs that have been entrusted to the Supreme Moderator, without any mention of the General Vicar of Spain; also, statutes and mandates that, although they do not involve any change in the general statutes, nevertheless in some way affect the substance of the Order. X. The General Vicar has the right to visit, even through delegates, all houses in Spain and those connected with the Spanish Provinces. However, the right to appeal belongs to all members of the religious order who are governed by his ordinary or delegated authority. Nevertheless, the Master or General Prefect retains the right to visit, even through delegates, the houses that are under the jurisdiction of the Vicars, as well as to receive appeals from any members of the religious order who are subject to those same Vicars. XI. Spanish members of the religious order, who are endowed with the necessary qualities, may be chosen for any office in the entire Order, even for the highest office. Therefore, in the General Chapters, all and each of the Spanish Provinces shall have all rights and offices, as do the others. Furthermore, the Spanish members of the religious order have the right that at least one of their number be a Assistant or Definitor General in the supreme court of the Order, as the laws of the same Order provide. — Also, the General Vicar shall have the right to present a suitable candidate from among his students to the Minister or General Prefect for approval, for a period of three years only, who shall be the Vice-Procurator of Spain in Rome (unless the Procurator of the entire Order in

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Spain himself is in Rome), and who shall have assistants with him.

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366. Motu Proprio concerning the office. – Finally, the General Vicar shall come to Rome every third year, so that (saving the right of visitation which belongs to the General Superior), he may, in his place, inspect the Hispanic Province, and render an account to the highest authority of the Order concerning the state of the Provinces of Spain. XII. Since the Order of the Friars Minor of St. Francis and also the Piarist Schools are one and indivisible, religious professions shall not be conferred solely by the Superiors of Spain, but especially, indeed, necessarily, by the hands of the Minister or Prefect of the entire Order. XIII. The General Vicars, both of the Friars Minor and of the Piarist Schools, who are currently in Spain, and also those who are appointed by the same council, shall, on this occasion only, remain in office for two years; after the expiration of two years, the Interprovincial Chapter, as mentioned above, shall be held. – In the future, however, so that matters may proceed more properly, the same General Vicars and their counselors shall cease to hold office as often as the General Chapter is convened, namely, after the expiration of one month from its celebration, as stated above in article III. XIV. If any acts, due to substantial defects, are null and void up to the time of the reception of this Motu Proprio, we, if they are capable of being remedied, shall benignly remedy and validate them. These Our declarations and prescriptions, once accepted, shall have full force, notwithstanding any special circumstances that may be worthy of mention. Invoking the patronage of the Immaculate Virgin Mary, and the help of St. Francis and St. Joseph, the Fathers of the Law, for the religious Minorites and Piarists of Spain, We impart the apostolic blessing, with paternal charity, to the entire Franciscan and Calasanctian Family. Given at Rome, at St. Peter's, on the feast of the Holy Apostles Peter and Paul, 1904, in the first year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 367*]

From the Secretariat of Briefs 367: Indulgences are granted by the Holy See for the Holy Missions to be held by the Capuchins of Spain.

PIUS PP. X. FOR THE SAKE OF FUTURE REMEMBRANCE:

That some lasting memorial of the sacred missions, which have been held in various regions through the bounty of divine goodness, may endure, and that the Christian people, by hearing the word of God, with the help of divine grace, may receive greater benefit for their souls, We readily grant, from the treasures of the heavenly Church entrusted to Our humility, those things which are requested of Us.

Therefore, wishing to grant the petitions presented by Our beloved son,

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Iucundo a Montone, General Procurator of the Order of Friars Minor of the Holy Francis of Assisi, the Capuchins, and confident in the mercy of Almighty God and the authority of the blessed Apostles Peter and Paul, We grant to all and to each Christian of both sexes who, having obtained permission from the respective Ordinary in the places where the Brothers of the aforementioned Order will hold missions from the Provinces of the Most Holy Virgin Immaculate, of the Most Holy Virgin of the Column of Navarre, of the Precious Blood of Our Lord Jesus Christ of Valencia, of the Most Holy Virgin of Monte Serrato of Catalonia, and of the Most Holy Heart of Jesus of Castile, shall have devoutly attended at least three of these missions, and during the course of each mission, for one day of their own choosing, having truly repented and confessed, and having received Holy Communion, shall have devoutly visited any church or public oratory, and there offered pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We mercifully grant, in the Lord, a plenary indulgence for all their sins, and remissions thereof; and this also for the faithful outside, if elsewhere, that is,

[*Latin ed. p. 368*]

368. To those who, outside the parish in which the Mission is held, perform the Sacramental Confession and Communion, we grant an extension up to fifteen days after the completion of the Mission. Furthermore, to all and each of the faithful of both sexes, who are truly penitent and have confessed, and who have received Holy Communion, and who, before the Cross, which the Brothers of the aforementioned Provinces, having completed their Mission course, have erected with the permission of the respective Ordinary in the designated places, or in any church or public chapel on the day of its erection, or on the anniversary of that erection, or on the Sunday immediately following, or on the feast days of the Invention and Exaltation of the Holy Cross, or on the Sunday immediately following, as stated above, have prayed, we grant, on that day, a plenary indulgence for all their sins, and a merciful remission thereof, in the Lord. Moreover, to those same faithful who, at least with a contrite heart, have devoutly attended the Missions given by the Brothers from the aforementioned Provinces, and who have visited any church or public chapel, and there, as above, have prayed, we grant seven years and forty days. But those who, at least with a contrite heart, have devoutly recited the Angelic Salutation seven times before the Cross, erected or to be erected, as above, at the end of the Missions, we grant seven years and forty days. Finally, on the day before the same Cross, if they have, at least with a contrite heart, recited five times the Our Father and the Angelic Salutation in honor of the Holy Wounds of Our Lord Jesus Christ, we remit three hundred days from the penances prescribed to them, or any other penances they may owe, according to the usual form of the Church.

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We grant that all these indulgences, remissions of sins, and relaxations of penances may also be applied for the benefit of the souls of the faithful detained in Purgatory, as a form of suffrage. Moreover, as we have learned, there are vast parishes, especially in Spain, where a large number of the faithful and their devotion cannot be adequately served by a single Cross.

[*Latin ed. p. 369*]

From the Secretariat of Briefs, No. 36. We have decided, with Our benevolence, to consider this matter as well, and We grant, by these presents, to the aforementioned Missionary Brothers from the aforementioned Provinces, permission, by virtue of which they may lawfully erect, with the consent of the respective Ordinary, a second altar in those parishes which are extended over a very large area, so that the faithful who offer prayers before the altar erected or to be erected, as mentioned above, may obtain all and each of the plenary and partial indulgences which We have enumerated above, provided that they duly perform the other works prescribed for obtaining them. This applies notwithstanding any objections to the contrary. These present documents shall be valid for ten years only. We decree that copies or exemplars of these letters, even printed ones, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, shall have the same full validity as if the original documents were presented or shown. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the 5th day of September, 1904, in the second year of Our Pontificate. L. -fa S« For the Most Reverend Cardinal MACCHI, Nicolaus Marini, Substitute. An indulgence is granted for reciting the Angelic Salutation three times with a prayer to the Immaculate Conception for the purpose of maintaining chastity.

PIUS PP. X

FOR THE ETERNAL MEMORY: Saint Alphonsus Maria de Liguori was not only a zealous defender of the Immaculate Conception of the Blessed Virgin Mary, but also an indefatigable promoter of devotion to the Virgin Mary, conceived without sin, and, in particular, he promoted among the faithful the practice of reciting the Angelic Salutation three times in the morning and evening.

[*Latin ed. p. 370*]

From the Secretariat of Briefs, to each and every one, this invocation is added: "Through your Immaculate Conception, O Mary, restore my pure body and my holy soul," affirming that such a practice is efficacious in preserving chastity against diabolical attacks. Indeed, as the fiftieth year approaches, from which date our predecessor, Pope Pius IX of blessed memory, declared the Most Holy Virgin free from original sin, we have deemed it opportune to commend the practice of Saint Alphonsus to the Christian

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people, and in order that more abundant fruits may be derived therefrom, we have decided to open up the heavenly treasures of the Church, which the Most High has entrusted to us. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant to all and each of the faithful of both sexes, who, with at least a contrite heart, shall have recited the Angelic Salutation three times, adding to each Salutation the aforementioned invocation, either in the morning or in the evening, for three hundred days, a remission of the penitences prescribed to them or otherwise due, according to the custom of the Church: and we grant that these remissions of penances may also be applied to the souls of Christian faithful who, united with God in charity, have departed this life, as a form of suffrage. This applies to all who do so, notwithstanding any opposition. This decree is valid for the present and all future times. We command that a copy of these present letters (which, if it is not done, we do not wish to be considered valid) be delivered to the Secretariat of the Holy Congregation for Indulgences and Sacred Relics, according to the decree issued by that same Congregation on January 19, 1756, and approved by our predecessor, Pope Benedict XIV of blessed memory, on the twenty-eighth day of the same month (1). (1) The decree to which reference is made is found in the authentic collection of the Holy Congregation, Indulgences and Sacred Relics, year 1883, number 205; with regard to our matter, the following provision applies: "Furthermore, since it is daily experienced that many general indulgences are granted by the Holy Congregation itself, from which many abuses and confusions arise, after mature deliberation, the following is established..."

[*Latin ed. p. 371*]

From the Secretariat of Briefs, 3, i, 7. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 5th of December, 1904, in the second year of Our Pontificate. L. S. A. Cardinal Macchi. A copy of these present letters has been delivered to this Secretariat of the Holy Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the same Secretariat, on the 6th of December, 1904. L. "£> S. Ios. M. Can. Coselli, Substitute. Indulgences are granted to those who recite a certain prayer addressed to the Most Sacred Heart of Jesus.

PIUS PP. X

FOR PERPETUAL REMEMBRANCE.

Since nothing is older or more pleasing to Us than that the piety of the faithful towards the Most Sacred Heart of Jesus may be spread and increased throughout the entire world, Our beloved sons Alois Palliola, Priest of the Congregation of the Most Holy Redeemer, and Rector of the Pon-

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tifical Church of St. Joachim in the City, in which an Archsodality of the Most Holy Heart of Jesus has been established, confident in the mercy of Almighty God and by the authority of the Apostles Peter and Paul, declare by these presents to all and each of the faithful, of both sexes, wherever they may be, that whenever, according to the model which We have ordered to be kept in the Tabula of this Our Secretariat of Briefs, and in whatever language, provided that the translation is faithful, they shall recite this prayer with at least a contrite heart:

"We adore, we thank, we implore, and we console with the Immaculate Mary the most sacred and most beloved Heart of Jesus."

And that, in order to encourage this devotion, We hereby grant, in perpetuity, to all those who shall recite this prayer, the following indulgences, to be gained under the usual conditions and with the usual stipulations. Furthermore, We declare that these general concessions shall be held to be null and void if a copy of these concessions is not presented to the Secretariat of the same Holy Congregation (N. R.).

[*Latin ed. p. 372*]

From the Secretariat of Briefs, "Sacred Heart of Jesus" (i), we remit two hundred days of the customary ecclesiastical penalty. To those who, for a full year, have recited at least once daily the pious prayer, and who, truly penitent and having confessed, and having received Holy Communion, visit any public church or chapel on the feast of the Immaculate Conception of the Blessed Virgin Mary, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, we grant, in the Lord, a plenary indulgence for all their sins and remissions of penalties. Furthermore, we grant to these faithful, if they so desire, the faculty to satisfy, by these plenary and partial indulgences, the temporal penalties and debts incurred. Notwithstanding any contrary provisions. These present documents are perpetually valid. We decree that an authentic copy of these documents be transmitted to the Sacred Congregation for Indulgences and Sacred Relics, otherwise these present documents shall be null. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the nineteenth day of December, 1904, in the second year of Our Pontificate. For His Eminence, Cardinal Macchi L., -fa S. N. Marini, Substitute. An authentic copy of these documents has been transmitted to this Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the Secretariat of the same Sacred Congregation, on the nineteenth day of December, 1904. L. -fa S. Joseph M. Can. Coselli, Substitute. (i) In Latin: "We adore, we give thanks, we pray, and we console ourselves with Mary Immaculate, before the most sacred and most beloved Eucharistic Heart of

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Jesus" (N.R.).

[*Latin ed. p. 373*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION. WITH THE APPROVAL OF THE SCAPULAR OR CONFRATERNITY, IT DOES NOT FOLLOW THE APPROVAL OF APPARITIONS, REVELATIONS, GRACES, OR CURES, ETC. Rome, from the Offices of the Holy Office, on the 3rd day of September, 1804.

To the Most Illustrious and Reverend Lord,

In the General Congregation of the Holy Office, held on the fourth day of the week, August 31st, in the present year, after considering all matters presented to this Tribunal concerning the cult of the Blessed Virgin Mary, commonly known as of Pellevoisin, the Eminent Cardinals, together with the undersigned Inquisitors General, decreed:

Although the devotion of the Scapular of the Most Sacred Heart of Jesus and the affiliation among the members of the pious Confraternity in the place commonly called Pellevoisin, named by the Blessed Virgin Mary as Mother of Mercy, have been approved; nevertheless, it does not follow from said approval, either directly or indirectly, any approval of any apparitions, revelations, graces, cures, or other similar things, which might in any way be attributed to the aforementioned Scapular or pious Confraternity; and all, whether priests or not, who publish books or journals for the public, must diligently take care to follow, as conscience dictates, the norms set forth in the Apostolic Constitution *Officiorum* (i); and those who are engaged in preaching the Word of God, must strictly observe the prescriptions of the Council of Lateran V and the Council of Trent, session 25, concerning the preaching of apparitions and miracles; and finally, the pastors of churches who establish such a pious Confraternity in their churches, and who erect statues or paintings of the Blessed Virgin under the aforementioned title of Mother of Mercy, must adhere to the rules (i) Cf. Acts of the Holy See, vol. 30, p. 39. Acts of the Holy See, Vol. XXXVII, page b, 24.

[*Latin ed. p. 374*]

From 374: The Most Reverend Bishops and Regular Canons, concerning the Scapular of the Most Holy Heart, established by the Sacred Congregation, conform themselves without any restriction to the statutes therein. While I communicate this to Your Eminence, so that you may ensure its full execution, I pray the Lord to grant you blessings and happiness. Most devoted in the Lord, L. -fa To the Most Reverend Lord Cardinal VANNUTELLI. To the Most Reverend and Illustrious Archbishop of Bourges. FROM THE SACRED CONGREGATION OF BISHOPS AND REGULARS, BAMBERG. REGARDING A TRANSLATION. The removal

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from office and translation to another benefice of a certain parish priest are confirmed. John N..., in the year 1897, resigned from the parish of a certain place in the diocese of Herford, but in the following year, he began to have serious disagreements with the civil authorities; these disagreements increased day by day, also because, according to the laws of Bavaria, the office of a parish priest is attached to the duty of administering and overseeing public schools on behalf of and by the mandate of the government. Consequently, the matter progressed to the point that the diocesan Ordinary had to repeatedly and severely admonish the parish priest, and also, by decree, especially on February 29, 1901, imposed upon him the resignation from the parish and the option to a simple benefice. However, the parish priest, disregarding the episcopal decree, imprudently fostered even more serious disagreements with the civil authority. Therefore, the Bishop, by decree of March 15, 1901, ordered the aforementioned translation of the parish priest to be carried out within three days, under penalty of removal from the parish.

[*Latin ed. p. 375*]

Bambergen, die 3, 5, 7, ordinavit; et, praeterea, addita prima monitione canonica ob neglectum praeceptum petendi aliud beneficium. A quo decreto, parochus Ioannes N.... ad Archiepiscopum Bambergensem appellavit, qui tamen die 31 Octobris, anno 1901, sententiam Episcopi Herbipolensis plene confirmavit. Tunc parochus, posthabito iure provocandi in tertia instantia apud tertium Bavariae Episcopum a Nuntio Apostolico eligendum, vi privilegii a Pio IX Breve *Nemo ignorat* concessi, supremo Sedis Apostolicae iudicio sistere maluit.

Allegationes parochi. Ipse contendit iniuste canonicam monitionem ab Ordinario sibi inflictam esse; in decreto enim diei 29 Februarii, anno 1901, nullum praeceptum sed merum Episcopi desiderium quoad paroeciae renuntiationem continebatur. Hinc, quum nemo teneatur propriis iuribus valedicere ad votum superioris implendum, parochiali beneficio non abdicavit; eo vel magis quod Episcopus in suo decreto nullam suae decisionis rationem attulerit. Praeterea addit contra canonicas sanctiones et praecipue contra Concilium Tridentinum (Sess. 21, c. 6 de Reform.) militare impositam sibi a paroecia amotionem; enimvero Episcopus veram rerum cognitionem non habuit, nec habere voluit, quum et testes audire et inquisitionem peragere neglexisset. Ceterum dissidium cum laica auctoritate, de quo ipsa tantum est iudex competens, non est ratio sufficiens pro parocho inamovibili destituendo.

Allegationes Archiepiscopi. Ex adverso, Bambergensis Archiepiscopus animadvertit Episcopum Herbipolensem sive in procedendo sive in iudicando non errasse. Non erravit in procedendo: tum quia Episcopus est incompetens in dissidiis parochum tamquam Inspectorem scholasticum inter et civiles magistratus exortis iudicandis, quod ad Gubernium pertinet;

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tum quia accusationes adversus parochum prolatae per ipsius rei confessionem perque publicam notorietatem satis in propatulo erant, quin opus esset testes audiendi atque inquisitionem instituendi. Sed neque Episcopus erravit in iudicando:

[*Latin ed. p. 376*]

376 From the Sacred Congregation of Bishops and Regular Canons, or because the parish priest is morally unable, without causing grave scandal to the faithful, to perform his pastoral duties due to well-known disagreements, or because it is within the power of the Ordinary, through a valid canonical admonition that has become a matter of judgment, to insist on its fulfillment. Doubt. How should the decree of the Archbishop of Bamberg be confirmed in this case? Resolution. The Sacred Congregation of Bishops and Regular Canons, on May 1, 1904, after careful consideration, responded: "The decree must be confirmed." I. The parish priest, whether removable or not, can be removed from his parish in two ways: either through deprivation or through economic removal. 2. And, in the first place, deprivation of the benefice occurs either by law itself or by the sentence of a judge (1). 3. A non-removable parish priest cannot be deprived of his benefice except for a canonical and indeed notorious reason, and with due process of law (2); however, a removable parish priest can be deprived of his benefice for any reason, provided it is legitimate and just. (1) The principal offenses, which are punished either by the very act of deprivation of ecclesiastical benefices, or by a condemning sentence of a judge resulting in the deprivation of the same benefices, and many others, are described and enumerated by Wernz in Actis (a complete enumeration can be called (2) Alexander, from the Holy See (vol. 12, p. 243 in a note); Decret., vol. II, n. 53j-54i), because (N. R.). III, to the Archbishop of Canterbury (Decret, lib. H, tit. 13, cap. 5) writes: "We have received information concerning a certain Reginald, a cleric, that you have unjustly deprived him of the church of Carrefort; since it is not fitting for your dignity to deprive clerics within your jurisdiction of their benefices without a manifest cause and reasonable grounds, and without providing paternal care for them; we command you, if this is the case, to restore the aforementioned church with the revenues derived from it to the aforementioned cleric, and to allow him to possess it in peace." And the Decree of Gratian (Caus. 16, quaest. 1, can. 38) states: "Therefore, it is necessary that, with the canonical rule observed, no one give a church to any presbyter without the consent of his own Bishop; which, if it has been justly acquired, he shall not lose except by his own grave fault and before the Bishop, with canonical severity." Cf. Council of Trent (Sess. 21, cap. 6 de Reform.) (N. R.).

[*Latin ed. p. 377*]

Bambergen. P 4. When, concerning immovable parish priests, a truly

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canonical cause for the deprivation of the benefice is not present, or a judicial process, at the very least, summary, cannot be completed (i), then the remedy of economic removal comes into play, which is twofold, temporary and perpetual. Temporary removal is effected by the appointment of a coadjutor; perpetual removal is effected in two ways, either by the transfer of the parish priest to another benefice, even a simple one, or by the assignment of a suitable pension (2). 5°. The causes for economic removal from a parish can be reduced to only two, namely, either the unsuitability of the parish priest for properly governing the parish, or the hatred of the people (3).

(1) According to the current practice of the Church, a summary or economic process is sufficient, which can be carried out according to the instructions of the Congregation for Bishops and Regular Canons, dated June 1, 1880 (cf. Acta S. Sedis, vol. 3, p. 324). Indeed, in paragraph IX, it is written: "Economic forms are intended for those cases and tribunals in which a solemn process cannot be used or does not seem expedient." And a little further on, in paragraph X, it is stated: "When it is necessary to proceed criminally, either because of a violation of a precept or of common crimes or of the laws of the Church, the process can be carried out in summary form and without the pomp of judgment, always observing the substantial rules of justice." The summary form, since it only concerns the formalities and not the substance, does not change the nature of the process (N. R.).

(2) The Council of Trent explicitly establishes temporary economic removal: "Since uneducated and inexperienced rectors of parochial churches are less suited for the sacred offices, and others, because of the wickedness of their lives, rather destroy than build; Bishops, even as delegates of the Apostolic See, may appoint coadjutors or vicars for a time to such uneducated and inexperienced individuals, if they are otherwise of honest life, and may assign them a portion of the fruits for their sufficient sustenance, or otherwise provide for them, and grant them exemption." It is also clear from the Decretals (Lib. III, tit. ig, cap. 5) that any economic removal implies a perpetual removal: "But if the Bishop foresees that it is necessary, he may lawfully transfer a person (beneficiary) from one place to another, so that those who are useful in one place may be able to exercise themselves more usefully elsewhere." This course of action has been confirmed by jurisprudence and by universal practice (3).

The unsuitability or incompetence of the parish priest is indicated by the Council of Trent (Sess. 21, cap. 6, Reform.), cited above. The hatred of the people, which can sometimes be present without the fault of the parish priest, is taken from the Decretals (Lib. I, tit. g, c. io, § 5): "However, because of the wickedness of the people, it sometimes happens that the Prelate is

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forced to withdraw from the administration of the parish."

[*Latin ed. p. 378*]

378. Canon 6. Even grave and persistent disagreements, arising from the fault of the pastor between himself and civil authority, which lead to a notable detriment of souls, can render the pastor less suitable for the performance of his parochial duties, at least in the same place.

7. In the case of very serious and irreconcilable disagreements between the pastor and civil authorities, followed by the pastor's removal from the office of school inspector, and also when the people are so hardened that they cannot benefit from his ministry, but rather, because of their obstinacy, are further alienated, these are sufficient reasons for transferring the pastor to another benefice. "For when the people are so stubborn that they cannot benefit from him, but because of their obstinacy, are further alienated, then it is permitted that he be judged deficient by just judgment."

This canon, although specifically addressed to Bishops, applies with even greater force to Pastors, since the reason is the same in both cases, namely, the good of souls, which is the supreme law. Therefore, a pastor may, at times even without his own fault, but always with the good of souls as the reason, be transferred to another benefice, and indeed, to one of equivalent income.

Such is the current practice, as evidenced by the decrees of the Holy See: S. Cong. 1727; Sept. 1742; pensionis, 17 in the Congregation of Eystelten-Fabrianen, or July Council; Piacentina, 6; De Permutatione Parochiae, Camericen., 1855; in Colonien., 27 June and 19 July, as recorded in the Acts of the Holy See, vol. I, pages 21-27; Dec. 1856; (pages 517-519); 11 in Limburgen; Aug. Taurinen.; 22; Sus-Permu-tationes, and many other causes are found in the Acts of the Holy See, vol. I, pages 513-520; vol. 2, pages 276-284; vol. 4, pages 13-275; vol. 11, pages 143-151; 84; vol. 25, pages 68-77; vol. 9, pages 29-36; vol. 16, pages 467-479; vol. 20, pages 126-142; vol. 22, pages 82-412-420; vol. 27, pages 594-606; vol. 30, pages 11-21.

The common opinion of Doctors is in agreement, as can be seen in Reiffenstuel (lib. III, tit. i signât, benef. lib. g, n. 38-40); Engel (lib. I, tit. 7, n. 3); Parisius (De réIII, quaest. permut. in c. Quaesitum, n. 7); 18, n. 12); Abbas (lib. III Decret., de rerum Leurenius (For. benef., vol. III, quaest. 867); De Nigris (De vacat. benef., lib. II, c. 2, n. 16); D'Annibale (Summ. theol. mor., part. III, n. 61, not. (Prael. iur. can., vol. 51)); Aichner (Comp. iuris eccl. pag. 790, ed. 9); Lega 3, n. 173, pages 252-254 with note) (N. R.).

[*Latin ed. p. 379*]

From the Sacred Congregation of the Council. To the Bishop of Metz, it is granted the power to dispense from the application of the Mass "for the people" on suppressed feast days, and also to permit the collection of alms for the second Mass.

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Most Blessed Father, the Bishop of Metz, Most Reverend, humbly presents the following:

After the restoration of the Catholic cult at the beginning of the 19th century, with the consent of the municipal authorities of the town of Bitche (commonly called Bitsch), the pious Institute founded by Saint Augustine was re-established in the buildings of the former monastery of the Eremites of Saint Augustine, located in that town. This Institute was intended to instruct young men and foster piety in those who intended to enter the clerical state.

However, with the passage of time, the buildings of the monastery of Saint Augustine have deteriorated, and the Bishop has been unable to repair them, as they are the property of the municipality, and moreover, due to their age, they are scarcely suitable for repair.

The civil government has repeatedly requested the Bishop to build a new building more suited to the needs of the Institute and for the use of the schools.

Therefore, compelled by necessity, the Bishop has decided to erect a new building entirely from the ground up within the territory of the same town, which will fully meet the purpose of the Institute.

The expenses for the construction of this building are estimated at approximately 800,000 francs, a sum which the diocesan treasury is entirely unable to cover.

Furthermore, the Reverend Orator of the Bishop intends to announce an annual collection in his Diocese, and he hopes that the faithful will generously contribute funds to support the education of young clerics.

Moreover, the Most Reverend requests that he be granted the power to grant to the parish priests and other priests of the Diocese the following:

i) the right to receive a stipend for the second Mass, which...

[*Latin ed. p. 380*]

38. 1) Durante los días de fiesta y los domingos, por la necesidad del pueblo, varios sacerdotes celebran la Misa; 2) En los días festivos suprimidos, para recibir la limosna de la Misa y aplicarla a la intención del oferente, en lugar de la aplicación de la Misa por el pueblo, con la obligación en ambos casos de transmitir íntegramente la limosna recibida, ya sea por la Misa leída o cantada, al Obispo para la reconstrucción del mencionado instituto piadoso, reteniendo únicamente lo que corresponda por derecho casual o parroquial, y también suplica que Su Santidad se digne completar por las Misas por el pueblo que no se hayan aplicado. El 2 de noviembre de 1904, la Sagrada Congregación del Concilio de Trento, por autoridad de Su Santísimo Señor Papa Pío X, habiendo considerado lo expuesto, concedió permiso a los párrocos para que no apliquen la Misa por el pueblo en los días festivos suprimidos, con el fin mencionado en las peticiones, y también

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concedió permiso para recibir la limosna de la segunda Misa, de modo que se entregue íntegramente para el mismo fin, al Orador del Obispo Metropolitano, con una asignación benévola por tres años.

f. VINCENTIUS Card. Ep. Praenest, Prefecto. PRAGEN.

DUDAS SOBRE LAS CARTAS TESTIMONIALES A LOS SANTOS ÓRDENES.

El Ordinario no está obligado, bajo pena de suspensión, a solicitar cartas testimoniales para la ordenación de candidatos que residen en otra diócesis, a menos que se trate de períodos moralesmente continuos de tres o seis meses.

Duda. El Cardenal Arzobispo de Praga, el 2 de diciembre de 1903, expuso lo siguiente: "Según las leyes eclesiásticas, para la ordenación de candidatos que residen temporalmente en otra diócesis, de tal manera que allí podrían haber adquirido un impedimento canónico, son necesarias las cartas testimoniales del Ordinario de esa diócesis. El tiempo,..."

[*Latin ed. p. 381*]

Concerning the candidates who may have encountered some impediment, according to commonly accepted circumstances, regarding military service, a period of three months is established; however, according to some, a period of six months is stipulated, although there are those who determine a shorter period of time. It is indeed doubtful whether testimonial letters are necessary for the ordination of such candidates only when the required period of time has been fulfilled through their continuous residence in another diocese, or even then, when the same period of time has not been fulfilled continuously, but rather through repeated visits in the respective diocese on the part of the candidates. Discussion. According to the Constitution *Speculatores* of Innocent XII and the Apostolic Bull of the Holy See of Pius IX (i), it is established that those who reside for a notable period in a foreign diocese cannot be promoted to the Orders without testimonial letters from the Ordinary of that place. Indeed, the Innocentian Constitution states: "If anyone should delay for so long a period in that place where, as is stated above, he was born, so that he might there encounter some canonical impediment, then he must also obtain testimonial letters from the Ordinary of that place, as mentioned above, and present them to the ordaining Bishop, so that the latter may also take them into account as a testimony for the conferral of the orders." This provision has been extended and made more comprehensive by the Pious Bull; indeed, it states that: "Those who administer the Orders incur, by their own right, a suspension of one year... and are subject to this, if they have resided elsewhere for so long a period that they might encounter a canonical impediment there, without the testimonial letters

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of the Ordinary of that place." Now, this period of residence of clerics in a foreign diocese, if we are speaking of those engaged in military service, whether they are clerics regular or secular, is a period of three months. (i) Cf. *Acta S. Sedis*, vol. 5, p. 287.

[*Latin ed. p. 382*]

382 From the Sacred Congregation of Religious: For, concerning regular clergy, the Instruction of the Sacred Congregation regarding Regular Discipline, dated November 27, 1892, number 5 (1), states: "For all [students, namely, of Regular Institutes, who have completed one year or a longer period of military service, and those who are to be promoted to solemn profession and to the sacred Orders], testimonial letters from the diocesan ordinaries will be necessary, in whose territory they have resided for at least three months." However, this provision was extended to secular clergy subject to military service, as is clearly evident from the resolution of the Sacred Congregation in Fermo, concerning the testimonial letters of ordinands, dated September 9, 1893 (2): "Testimonial letters are necessary, whenever one who is to be promoted [having already completed military service] has resided in a diocese for at least three months." Furthermore, there is the resolution in Urgell, concerning questions regarding testimonial letters for Holy Orders, dated January 26, 1895 (3). For other clerics, who are not subject to military service by law, the period of residence in a foreign diocese, for the purpose of obtaining testimonial letters, is six months, as stated by Santi (Praelectiones of Canon Law, Book I, Title II, in the appendix); Cardinal d'Annibale (Volume III, Title β, article 2, note u), etc. With these premises, it would seem that the answer to the question in hand is that a period of three months or six months of residence in a foreign diocese by a candidate for Holy Orders should be continuous, so that repeated or discontinuous residence would be entirely excluded. Indeed, in common parlance, when it is said "three months" or "six months" without any further addition, it is understood to mean a continuous period. However, it is a well-established principle that the words of the law must be interpreted according to common usage, Leg. Libror. [Reference to legal texts]. (1) Cf. Acta S. Sedis, volume 25, page 635-639. (2) Cf. ibid., volume 26, page 428-431. (3) Cf. ibid., volume 28, page 45-50.

[*Latin ed. p. 383*]

Prague, 383, concerning duties and their frequency, Leg. For these matters, see the sections on law. Therefore, a trimester or semester period, relating to testimonial letters, appears to be a continuous one. This is even more evident if we consider that the matter concerns a new burden imposed by Ordinaries, not expressly stated in the law, during the Sacred Ordination, and it is known that the axiom "lex quod voluit expressit" holds true, and no obligation can be imposed unless there is certainty about it.

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Furthermore, it must be considered that the matter concerns a subject that is odious, and for which the law has imposed penalties; indeed, if Ordinaries order, without testimonial letters, that a suspension of the imposed sentence be granted, reserved to the Roman Pontiff, by the administration of the Orders, for a year. Hence, in the interpretation of the law, it does not seem possible to proceed with an expansive interpretation of the law, but rather with a restrictive one. Finally, it must be noted that if various periods of residence were admitted to complete the trimester or semester period, the matter would involve more practical difficulties; indeed, the first difficulty would be in determining the length of the interrupted period of residence; then, the task of investigating the candidate's morals and way of life would become excessively difficult, if not useless and impossible; for, with the interruption of the candidate's period of residence, even the testimonies are easily truncated, and facts and knowledge are forgotten. On the other hand, it must be considered that the purpose and the entire force of the law are placed in requiring testimonial letters, so that no one may be rashly admitted to the Sacred Orders due to some canonical impediment, and so that the ordaining Bishop may be more certain of the candidate's suitability. This was undoubtedly the legislator's intention, and it cannot be doubted if one recalls for a moment the historical evolution of legislation in this matter, beginning with the Constitution Innocentiana Speculatores, the meaning of which was increasingly clarified by the responses of the Holy Congregation in Asculana, February 7, 1733; in Bononien., November 14, 1733; in Fabrian., August 19, 1797; in Lünen., May 29, 1824, and in others.

[*Latin ed. p. 384*]

38. 4. Ex multiplicibus decretis Congregationis [Sacrae Congregationis], et perveniens usque ad dispositiones expressas in Constitutione Apostolicae Sedis, in supra citata Instructione Congregationis Sacrae de Disciplina Regulari, die 27 Novembris 1892, et in dictis declarationibus Sacrae Congregationis in Firmana, die 9 Septembris 1893, et in Urgellen, die 26 Januarii 1895. Ex omnibus his, patet facile legem de litteris testimonialibus requiritis pro clericis, qui in aliena dioecesi commorati sunt, promovendam esse ad interpretationem semper strictiorem, et tempus idoneum ad impedimentum canonicum contrahendum noviter coarctatum esse pro illis qui militiae servierunt per trimestre, ut efficacior evaderet inquisitionis de idoneitate ordinandorum. Praeterea, abunde constat inter omnes, quanto nostra aetate mores effecti sunt pluris, et quam aucta sunt ubique commoda communicationum atque itinerum, quae omnia profecto non minuere videntur, praesertim in militibus, pericula canonici impedimenti contrahendi, etiam per non continuam seu interruptam in aliqua militari statione trimestralem commorationem. Haec commorationis interruptio, praesertim si magna non fuerit, data facilitatis communicandi et itinerum, quae, ut ita dicam, omnem fere locorum distantiam abstulit, potius augere

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censenda est illud tempus a iure definitum ut aptum ad impedimentum contrahendum, ita ut non detrahenda sed potius trimestri addenda videatur. Quapropter, si mens legis magis quam littera attendatur, ne ea frustretur, necessitas litterarum testimonialium admitti debere videatur etiam in casu, quo quis, nedum per trimestre aut semestre continuatum, sed per interruptum quoque, sive vacans militiae sive non, in aliena dioecesi fuerit commoratus. Ceterum, etiamsi quis litteris adhaerere velit, eadem valeret conclusio, cum iuxta illud effatum: "ubi lex non distinguit, neque nos distinguere debemus," et cum nullam in casu legislator distinctionem fecerit inter tempus continuatum et non continuatum, utrumque comprehendere voluisse censendus est.

[*Latin ed. p. 385*]

Pragen, 385, quae interpretatio videtur benignior; non enim agitur de lege odiosa, sed de lege prolata ad maximum bonum rei publicae christianae. Attamen, haec quae hucusque disputata sunt, non videntur locum habere, quando interruptio commorationis sit tanta, ut tempus consequens ad impedimentum contrahendum, nullo modo cum antecedenti computari possit, exempli gratia, si inter primum et alterum mensem, integer annus intercesserit. Non agitur, in hoc tempore statuendo, de possibilitate in abstracto impedimenti contrahendi; hoc in casu, etiam brevissimum temporis spatium sufficeret; sed ad ea quae communiter et frequentius accidunt, non ad ea quae raro contingere solent, respicit legislator; Avanzini, (Commentarium in Const. Apostolicae Sedis, n. 51). Quae autem interruptio haberi debeat, ut Episcopus Ordinans tuto se dispensare possit ab onere requirendi has litteras testimoniales, a priori determinari non potest, sed potius ex locorum personarumque circumstantiis melius iudicabitur. Quidquid sit, videant Emi. Patres, utrum ad omnia dubia hac de re in posterum praecavenda, tutius foret si, absque aliqua ratione interruptionis habita, indiscriminatim huiusmodi litteras testimoniales exigendas decreveretur, dummodo trimestre intra dimidium annum et semestre tempus intra annum completum fuerit. Nam in casu, quo haec inquisitio impossibilis vel irrita et frustranea evaderet, iam provisum est ab H. S. C. in citata Urgellen., 26 Ian. 1895. Quare, etc. Resolutio. S. C. Concilii, omnibus sedulo perpensis, die 25 Iunii 1904 rescripsit: «Ordinarius non tenetur sub poena suspensionis ad testimoniales exquirendas, nisi agatur de trimestri vel semestri moraliter continuis, salvo iure Episcopi inquirendi super idoneitatem promovendi et testimoniales exigendi pro minori vel discontinua commoratione, aut exigendi iuramentum suppletorium, si in Domino necessarium censuerit».

[*Latin ed. p. 386*]

386 From the Decrees of the Holy Council, Book I, concerning clerics engaged in military service, whether regular or secular, it has been defined

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by authentic Decrees of the Holy Congregation in Fermo on September 9, 1893, and in Urgell on January 26, 1895, that at least three months are sufficient time to incur a canonical impediment. 2°. Furthermore, by this present decision, adhering to the practice of the Roman Curia and the common opinion of Doctors, it is authentically established that at least six months are required for all other clerics not engaged in military service (i). 3°. The reason for this distinction, promoting a three-month period between clerics and a six-month period, is to be found in the greater facility with which military personnel, compared to other clerics, can, guided by experience, acquire a canonical impediment, especially concerning matters of morals. (i) Moreover, at least six months (and not merely four) are required with respect to secular clerics from outside the diocese who, whether they are still residing in the city or not, wish to receive orders from their own Ordinary, who is therefore obliged to demand testimonial letters from the Vicar of the City, under the penalties of suspension prescribed by Apostolic Constitution Sedis under n. 3. Furthermore, it is well-established in law that clerics who have received dismissal letters from their own Bishops for the purpose of receiving orders may be ordained by any prelate in communion with the Apostolic See, unless otherwise stipulated in their case. Nevertheless, notwithstanding the foregoing, according to Apostolic Constitution Sedis under n. 7: "Secular clerics from outside the diocese who remain in the city for more than four months (and therefore also for less than six months), and who are ordained by anyone other than their own Ordinary, namely without the testimonial suspension of the Vicar of the City, and without permission (by letters from the orders received to the satisfaction of the Holy See), incur the penalty of suspension; and the bishops who ordain them are deprived of the use of their pontifical functions for a year." The reason for this special provision concerning the city, rather than facilitating the acquisition of a canonical impediment, appears to be the intention of the legislator to prevent the abuses that may easily arise from the excessive freedom granted to non-Roman and non-suburbicarian clerics, who, outside the Roman Curia, can easily receive orders from a foreign bishop. This is further confirmed by the requirement that they undergo a prior examination before the Cardinal Vicar. Cf. on this matter, Acta S. Sedis, vol. 2, p. 585-592, and especially p. 591, note i; Card. n. 208; Pennacchi, D'Annibale, Comm. in eamdem Constitutionem, p. 130 (N. R.).

[*Latin ed. p. 387*]

From the Sacred Congregation for the Propagation of the Faith, 387, 0, 4. However, the Ordinary is not bound, under penalty of suspension by the Roman Pontiff, reserved to the administration of the Orders for one year, to demand testimonial letters for candidates being ordained in a diocese other than his own, unless a period of three months or six months has been

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morally continuous.

5°. This moral or relative continuity holds a middle ground between absolute continuity and discontinuity; therefore, it is still to be considered present whenever a cleric resides in a foreign diocese for a period significantly longer than three or six months, even if he departs from that diocese for a few days or even weeks.

6°. In all cases, the Ordinary always retains the power to inquire into the suitability and morals of the candidate, either through private information from the Ordinary of the place, or through the testimony of the Seminary Rector, parish priests, and others; nor is he prevented from demanding testimonial letters from the Ordinary of the place for any period of residence.

7°. Indeed, when it proves impossible, or at least very difficult, to obtain testimonial letters from the Ordinaries of the place of residence, the ordaining Bishop, having previously obtained permission from the Apostolic See, may require the candidate to take an oath in writing, which serves as a substitute for the testimonial letters, and is therefore called a substitute.

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, DECREE: The archiepiscopal residence is transferred from the city of Verapolis to the city of Ernam. The Reverend Lord Bernard Arguinzonis, Archbishop of Verapolis, recently petitioned this Sacred Congregation to transfer the archiepiscopal residence from the city of Verapolis to the city of Erna-

[*Latin ed. p. 388*]

From 388. The altar of the Rite was to be transferred, because the city of Verapoly had experienced a significant decrease in the number of faithful of the Latin Rite following the establishment of three Apostolic Vicariates of Syria by the Most Holy Pope Leo XIII, and because of the difficulties in maintaining relations with the other faithful of the Archdiocese, it could no longer be considered a religious center, nor is it considered a political center. Furthermore, at the General Assembly of the 28th of last month, November, with wise judgment, the Most Reverend Cardinals, Prefects of this Congregation for the Propagation of the Faith, considered the following question: "Is it appropriate to transfer the Archiepiscopal residence from Verapoly to Ernakulam?" They, the Most Reverend and Reverend Fathers, having considered the matter, judged that the answer should be: "affirmative." This judgment of the Most Reverend Fathers was reported to His Holiness, our Most Holy Father Pius X, in an audience on the 20th of this month, December, by the Most Reverend Secretary of this Sacred Congregation, and His Holiness graciously approved and ratified it, and ordered the present Decree to be drawn up. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 29th of December, 1904. L. Fr. H. M. Card. GOTTI, Prefect. S. Aloisius Veccia, Secretary.

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FROM THE SACRED CONGREGATION FOR RITES. Concerning the quality of wax to be used in the sacred functions. Several Sacred Ministers have reverently requested, on several occasions, from the Sacred Congregation for Rites: "Whether, considering also the great difficulty in obtaining true beeswax, or in eliminating undue mixtures with other waxes, candles placed upon the altars should be made entirely and completely of wax."

[*Latin ed. p. 389*]

From the Sacred Congregation of Rites, 38g: "Whether candles are to be made entirely of beeswax; and whether they can be made with other materials, whether vegetable or animal, mixed in?" And the Sacred Congregation of Rites, in its Ordinary Session held on November 29th of the present year in the Vatican, after careful consideration, together with the vote of the Liturgical Commission, having mitigated the previous decrees, it was decided to respond as follows: "Considering the asserted difficulty, negatively to the first part; affirmatively to the second, and with the following understanding. It is desired that Bishops, as far as possible, ensure that the Paschal candle, the candle used in baptismal waters, and the two candles used in the Mass, are made at least in the largest part of beeswax; and that the material of the other candles, which are to be placed above the altars, should be made in a greater or notable quantity from the same beeswax. In this matter, parish priests and other rectors of churches and chapels can safely follow the norms given by their respective Ordinaries, and private priests who are to celebrate Mass are not required to inquire anxiously about the quality of the candles." And thus it was decreed, on December 1st, 1904. A. Card. TRIPEPI, Pro-Prefect. L. S. f D. Panici, Archbishop of Laodicea, Secretary.

DOUBTS Regarding the Titles of Destroyed or Extinct Abbeys.

The following questions were posed to the Sacred Congregation of Rites:

I. Can clerics, to whom a title is conferred by any authority, even royal, of an abbey or praepositura that has long been destroyed, or utterly extinct, perform pontifical functions?

II. Can these abbots or praepositi, as titulars, ever wear the insignia that are used by mitred abbots, or those who have pontifical functions, such as the pectoral cross, mitre, and staff?

Acta S. Sedis, Vol. XXXVII, page 6, 25.

[*Latin ed. p. 390*]

From Decree 3, Section C, Chapter III: Can those [persons] of this nature receive any blessing whatsoever, and especially that which is found in the Roman Pontifical? And the Sacred Congregation itself, in its Ordinary Meetings held on November 29th of this present year at the Vatican, after carefully considering the prior opinion of the Liturgical Commission, judged it fitting to respond as follows: "No, in all cases." And so it re-

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sponded, on December 14, 1904. Cardinal TRIPEPI, Pro-Prefect. L. -fa S. f D. Panici, Archbishop of Laodicea, Secretary.

Regarding the Society of Missions to Foreign Lands: In the votive Mass for the propagation of the Faith, the color violet should be used. The Reverend Father Peter Xavier Cazenave, General Procurator of the Society of Missions to Foreign Lands, humbly presented the following to the Congregation of Sacred Rites: On March 5, 1787, the votive Mass for the Propagation of the Faith was approved for all and each missionary throughout the nations, and on August 21, 1841, it was also granted to dioceses in which the Society for the Propagation of the Faith is established in France. Now, however, there is ambiguity and the question arises: What color should be used for the vestments in the aforementioned votive Mass? And the Sacred Congregation itself, in its Ordinary Meetings held on November 29th of this present year at the Vatican, after diligently considering the matter together with the opinion of the Liturgical Commission, judged it fitting to respond as follows: "The color violet should be used." And this resolution of the Sacred Council was ratified and approved by His Holiness Pope Pius X, on December 14, 1904. Cardinal TRIPEPI, Pro-Prefect. L. -fa S. f D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 391*]

From the Sacred Consistorial Congregation, dated June 3rd. FROM THE SACRED CONSISTORIAL CONGREGATION, CONCERNING THE LIMITS OF THE NEW TERRITORY OF THE NULLIUS OR SANTARÉM PRELATURE IN THE BRAZILIAN REPUBLIC.

The boundaries of the Nullius or Santarém Prelature, erected in the Brazilian Republic, are again established. By a Consistorial Decree, whose beginning was published by the Roman Pontiffs on September 21st of the past year, after a previous division of a larger territory in the northern part of the Brazilian Republic, near the borders of France, Holland, and England, from the Diocese of Belém do Pará, to which it belonged, a new Prelature, called the Nullius or Santarém Prelature, was founded, and its boundaries are thus established: To the South, the river called Amazonas, from that part which trends towards the East, up to the Equator, including the city of Santarém located on the river, as well as the islands of Caviana and Mexiana; To the East, the equatorial line, along the shores of the Atlantic Ocean, up to the promontory of Orango or Saint Vincent, but excluding "the part of the territory that lies near that promontory, which belongs to the French Republic"; To the North, the river Oyapoc, also called Vincente Pinzón, up to the mountains of Acaray, near the borders that separate the Brazilian Republic from the aforementioned French, Dutch, and English territories; To the West, the river Jamunda, until it flows into the Amazonas.

It was immediately discovered, in the execution of the decree of erec-

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tion, that the described boundaries had been less appropriately defined, according to the needs of the faithful in the area, and that it was necessary that the established boundaries be extended further, and that a more extensive territory be assigned to the newly erected Prelature; and since the Most Reverend Father Franciscus do Reyo Maria, Bishop of the Cathedral Church of Belém do Pará, gave his consent, and supplicated the Apostolic See, that...

[*Latin ed. p. 392*]

392. From the Sacred Congregation's decree, concerning the new circumscription of the Prelature Nullius, or Santarém, the boundaries of the Diocese of Belém do Pará were also more precisely defined by Apostolic authority. A complete account of the matter was presented to His Holiness, Pope Pius X. His Holiness, having carefully considered all things, and desiring to promote the sacred cause and the spiritual welfare of souls in the best possible way, with the attentive consent of the Bishop of Belém do Pará, and also exercising the faculty granted in the Apostolic Letters, beginning "Ad universas Orbis Ecclesias," dated April 27, in the year of Our Lord 1892, which reserve matters to the Apostolic See, decided to effect new circumscriptions within the dioceses of the Republic of Brazil, without adding any territorial compensation, whenever it might seem opportune to do so in the Lord, and to proceed, if necessary, with the consent of all those who have an interest in the matter, to define the boundaries of the Prelature of Santarém, suppressing those previously described, in the following manner: To the North, the boundaries of the newly established Prelature Nullius, or Santarém, will be the same as those that separate the Republic of Brazil from the three Guianas: French Guiana, Dutch Guiana, and British Guiana, namely, the river Oyapoc, or, as they say, Vicente Pinzón, up to the mountains of Acaray; to the East, the Atlantic Ocean, including the islands of Caviana and Mexiana, up to the shore of the river called Xingú, then the river Xingú itself up to the place called Pedra Secca; to the South, the new Prelature will be bounded by a line that extends from the place called Pedra Secca, along the aforementioned river Xingú, up to the mouth of the river of Saint Emmanuel, commonly called "Três Bocas," located in the place now called Sete Quedas; finally, to the West, starting from the banks of the river of Saint Emmanuel, commonly called "Três Bocas," the boundary will follow this river up to another river called Tapajós, up to the town of Mundurucù, and the political and civil boundaries that separate the regions of Pará and Amazonas.

[*Latin ed. p. 393*]

From the Sacred Congregation, Decree 3g3: Since the entire territory of the Prelature Nullius or Santarém has been assigned from the Diocese of Belém do Pará, the extent of this diocese will be diminished. Therefore,

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the Cathedral Church of Belém do Pará will henceforth be restricted to the following boundaries: To the North, the Atlantic Ocean will be its limit, with the exception of the islands of Caviana and Mexiana, which are attributed to the territory of the Prelature Nullius or Santarém; all other lands between the place called Macapá and the mouth of the Xingu River will remain part of the Diocese of Belém do Pará; To the East, the same diocese will be bounded by the rivers commonly called Guruny and Araguaya, by which the region of Gram Pará is separated from the regions of São Luís do Maranhão and Goiás; To the South, it will be contained by a line extending from the island called Bananal on the Araguaya River to the place called Pedra Seca, near the Xingu River; Finally, to the West, the newly established Santarém Prelature will border the Diocese of Belém do Pará, and this Prelature will be bounded from the aforementioned place, Pedra Seca, to the Atlantic Ocean, along the Xingu River. The documents pertaining to persons and places attributed to the Santarém Prelature and separated from the territory of the Diocese of Belém do Pará must be removed from the archives of the latter, so that they may be preserved in the archives of the aforementioned Prelature. To carry out the aforementioned matters, His Holiness has appointed the Most Reverend Father Julius Tonti, Titular Archbishop of Ancyra and Apostolic Nuncio in the Brazilian Republic, with the necessary and appropriate powers, including the power to delegate to any other person holding an ecclesiastical office, to effect the aforementioned purpose, and to definitively resolve any difficulty or opposition that may arise regarding the aforementioned matters, and has ordered that a certified copy of the completed execution be sent to the Sacred Congregation within six months. Furthermore, a Consistorial Decree has been issued regarding these matters.

[*Latin ed. p. 394*]

From the Sacred Congregation for Indulgences: It is to be considered valid as if the Apostolic Letters had been issued under seal or in the form of a Brief, and the decree itself is to be recorded among the Acts of this Sacred Congregation's Consistory. Given in Rome this 25th day of October in the year of Our Lord 1904. For the Most Reverend Father, the Secretary, L. *£* S. Julius Grazioli, Substitute.

FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS OF MILAN. Concerning the method of measuring the distance between two churches endowed with the "Portiuncula" privilege.

The Most Reverend Archbishop of Milan presented the following questions to this Sacred Congregation, which presides over Indulgences and Sacred Relics, concerning the method by which the distance between two churches is to be measured, which are endowed with the privilege of the Indulgence of Portiuncula, since in the Apostolic Briefs and in the Rescripts of this Sacred Congregation, the following clause is added: "Provided that

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there is no Franciscan church, or another similarly endowed with a privilege, in that place, or, if there is, that it is at least one mile distant from it"; namely:

I. What is the metric measure that corresponds to a distance of one mile?

II. How is such a distance (of one mile) to be measured; is it from the common road that is traversed by all, or from certain paths that connect the two churches?

III. Does the aforementioned clause render the privilege invalid when there is no distance between one church and another church adorned with the Portiuncula privilege?

[*Latin ed. p. 395*]

From the Sacred Congregation of Indulgences and Sacred Relics, in a General Assembly held at the Vatican on August 18, 1904, the following answers were given to the questions proposed: To Question I: The answer is 1489 meters. To Question II: Affirmative regarding the first part; Negative regarding the second part. To Question III: Affirmative, after the year 1878, in which the aforementioned stipulation was prescribed (i). These answers of the Fathers, reported by the undersigned Cardinal Prefect, were benignly confirmed by His Holiness Pope Pius X in an audience held on September 14, 1904. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on September 14, 1904. A. Card. TRIPEPI, Prefect. L. Fa- S. F. D. Panici, Archbishop of Laodicea, Secretary. REGARDING the erection of crosses in Stations of the Way of the Cross, it is also permissible to affix them above immovable and suitably erected benches. To this Sacred Congregation, which presides over Indulgences and Sacred Relics, regarding the location to which the crosses should be affixed (i): Reference is made to the Decree of the Holy Sacred Congregation in Bergamo, November 15, 1878, which is found in the Acts of the Holy See, volume 11, pages 412 and following. Before that time, a distance of at least one *miliarium* was required only with respect to churches that actually belonged to the Franciscan Order, and not with respect to other churches that had been granted this privilege of the *Portiunculae*. The clause then stated: "No church whatsoever." But later, the distance was: "provided that the place is within the customary distance of the Franciscan Order, or at least within the space of one *miliarium* as mentioned above." The Decree of 1878 extended the clause regarding the *miliarium* to all other churches that enjoyed the privilege of the *Portiunculae*: "Considering, however, the concessions made, and in order to grant this favor to new churches, the aforementioned privilege of the *Portiunculae* and the special prerogative of the Order of Saint Francis (N. R.) have been extended to the following..." Regarding the distance to which Indulgences of the *Portiunculae* are applied, it extends

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to all churches, as is customary.

[*Latin ed. p. 396*]

From the Sacred Congregation of Indulgences, section 3, paragraph 6, concerning the erection of Stations of the Way of the Cross, the following questions are to be resolved:

I. Whether it is an essential condition for the validity of the erection that the crosses be affixed only to the wall; or whether they can also be affixed above benches, without rendering the erection invalid? And, to the extent that the answer is affirmative regarding the first part;

II. Whether the erections of said Stations, with the affixing of crosses above benches, are to be considered validated by more recent decrees of this Sacred Congregation, by which all defects admitted in the erection of Stations have been remedied?

And the Most Reverend Fathers assembled at the Vatican gave the following response on August 18, 1904:

To I. Regarding the first part, negatively; regarding the second part, affirmatively, provided that the benches are immovable and sufficiently elevated.

To II. The erections of Stations with crosses affixed above immovable benches do not require validation; however, the erections of Stations with crosses affixed above removable benches, although indeed validated by more recent decrees of this Sacred Congregation (i), nevertheless, it is prescribed that the crosses be removed from the removable benches and affixed to a stable location.

Regarding which, a report was made to His Holiness, Pope Pius X, in an audience held by the undersigned Cardinal Prefect on September 14, 1904, and His Holiness approved and confirmed the responses of the aforementioned Fathers.

Given in Rome, from the Secretariat of the same Sacred Congregation, on September 14, 1904.

A. Card. TRIPEPI, Prefect.

L. f* S. f D. Panici, Archbishop of Laodicea, Secretary.

(i) The final decree, which remedies all defects in the erection of Stations of the Way of the Cross, is found in the Acts of the Holy See, volume 35, page 163 (N. R.).

[*Latin ed. p. 397*]

From the Sacred Congregation of Indulgences, 397. SUMMARY of Indulgences, Privileges, and Dispensations granted to the Secular Tertiaries of the Most Holy Order of the Trinity for the Redemption of Captives.

I. PLENARY INDULGENCES:

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A) Granted to Tertiaries of both sexes who have confessed and received Holy Communion:

1. On the day of their entrance into the Third Order;

2. On the day of their profession;

3. Once a year, on the day on which they renew their profession;

4. As often as they have devoted eight consecutive days to spiritual exercises;

5. Once a month, choosing the day of their own choosing.

B) To the same Tertiaries, who, as above stipulated, visit the church where the seat of the Sodality is established, and there pray according to the wishes of the Supreme Pontiff, on the following feast days:

1. Most Holy Trinity;

2. From the first Vespers of the day on which the feast of the Most Holy Redeemer is celebrated, with the permission of the Ordinary;

3. Nativity;

4. Epiphany;

5. Most Holy Name of Our Lord Jesus Christ;

6. Pasch;

7. Ascension;

8. Body of Christ;

9. Pentecost;

10. Immaculate Conception;

11. Nativity;

12. Visitation;

13. Annunciation of the Blessed Virgin Mary;

14. Presentation;

15. Purification;

16. Matrimony;

17. Assumption.

[*Latin ed. p. 398*]

From St. C. 3, 8, 9, and Indulgences 1, 8. St. Joseph, Blessed Virgin Mary; 19. St. Agnes (second), Virgin and Martyr (January 28); 20. St. John of Matha (February 8); 21. St. John the Baptist, of the Conception (February 14); 22. St. Gabriel, Archangel (March 18); 23. St. Raphael, Archangel (Fourth Sunday after Easter); 24. St. Michael, of the Holy Confessors (July 5); 25. St. Roch, Confessor, of the Third Order (August 16); 26. St. Bernard, Abbot (August 20); 27. St. Louis, King, Confessor, of the Third Order (August 25); 28. Blessed Simon of Roxas, Confessor, of the Order (September 28), from the first vespers; 29. St. Christopher, Martyr, of the Third Order (September 25); 30. St. Michael, Archangel (September 29); 31. Blessed

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Mark Criado, Martyr, of the Order (October 3); 32. All Saints, of the Order (November 13); 33. St. Felix of Valois (November 20); 34. St. Catherine, Virgin and Martyr (November 25); 35. Feria IV of the Ashes.

To these members of the Third Order, as previously stated, when they visit any church or public chapel:

1. On the day they attend a sermon for women.

2. Twice in the year, if they have received the Blessing in the name of the Supreme Pontiff.

3. If they have gone to lands among the infidels to redeem captives, the day before their departure.

4. If they have attended a procession, which takes place once on any Sunday of the month in the churches of the Order or Sodality, and have prayed according to the will of the Supreme Pontiff; or, if for a reasonable cause the procession cannot take place, if they have attended a pious exercise in honor of the Most Holy Trinity in place of the procession, before the Blessed Sacrament publicly exposed, and have prayed.

[*Latin ed. p. 399*]

From the Sacred Congregation of Indulgences, Decree 5:

Once a month, on a day chosen at their discretion, if they have recited three times the Our Father, the Hail Mary, and the Glory Be, in honor of the Most Holy Trinity.

D) To these same Tertiaries, if, as previously stipulated, they have prayed according to the mind of the Supreme Pontiff on the following feast days, on which they receive general absolution or the Benediction:

1. On the Fourth Day of Lent, Ash Wednesday;

2. On the Fifth Day, at the Lord's Supper;

3. On the Feast of the Most Holy Trinity;

4. On the feast of Saint John of Matha;

5. On the feast of Saint Felix of Valois;

6. On the feast of the Blessed John the Baptist, at the Conception of the Blessed Virgin;

7. On the feast of Saint Michael and All Angels;

8. On the feast of the Translation of Saint John of Matha;

9. On the feast of Saint Agnes, Virgin and Martyr (second);

10. On the feast of Saint Catherine, Virgin and Martyr.

E) To these same Tertiaries who are in the article of death, if, as previously stipulated, or at least contrite, they have devoutly invoked the Most Holy Name of Jesus, with their mouth, if they are able, or, if not, with their heart.

II. STATIONARY INDULGENCES. On the days of Stations described in

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the Roman Missal, these Tertiaries, if they visit the church of the Sodality and pray there according to the mind of the Supreme Pontiff, obtain the same indulgences that they would gain if they personally visited the churches of the city listed in the same Missal on those days, provided that they perform the other prescribed pious works.

III. PARTIAL INDULGENCES.

A) Seven years and forty days:

b) To Tertiaries who, at least with a contrite heart, visit the church of the Sodality on the following feast days:

1. The Most Holy Trinity;

2. The Nativity of Our Lord Jesus Christ;

3. The Paschal Feast of the Resurrection.

[*Latin ed. p. 400*]

From the 400th Decree of the Indulgences, section 4: Assumption of the Blessed Virgin Mary; 5. St. Agnes, Virgin and Martyr (second class); 6. St. John of Matha; 7. St. Felix of Valois; 8. St. Michael of the Saints; 9. St. Christopher, Martyr, of the Third Order; 10. Blessed Marcus Criado; Blessed John Baptist of the Conception; 12. Blessed Simon of Rojas; 13. St. Louis, King; 14. St. Roch.

b) To the Tertiary members, likewise, with at least contrite hearts:

1. If they participate in a procession, or a pious exercise, as mentioned above (Chapter I, section 4);

2. If they dedicate themselves to pious works, both spiritual and corporal, for the remission of their own sins, and for the redemption of captives from the servitude of the infidels;

3. If they participate in a procession which takes place when, after the redemption is completed, the redeemed captives are received into some church or oratory of the Order or Sodality;

4. If they recite daily, six times the Our Father with the "Gloria Patri," etc., and also six times the Angelic Salutation, also with the "Gloria Patri," etc., and pray according to the intention of the Supreme Pontiff, for each day;

5. If they likewise recite, on each day of the year, three times the "Pater, Ave, and Gloria" in honor of the Most Holy Trinity, also for each day.

B) Three hundred days: As often as they perform any pious work of piety or charity with at least a contrite heart.

All and each of the indulgences mentioned above, except for the plenary indulgence to be gained at the hour of death, are also applicable to the souls

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of the deceased in purgatory.

[*Latin ed. p. 401*]

From the Decree of the Holy Council of Trent, Session XXIV, Chapter 4, concerning Indulgences, paragraph 401:

PRIVILEGES

I. For the Tertiary Clergy: Priests of the Tertiary Order, celebrating Mass at any altar, enjoy the privilege of a personal altar indulgence for three days each week, provided that they have not obtained a similar indulgence for another day.

2. All Masses celebrated in suffrage for the deceased members of the Sodality are always and everywhere privileged.

II. INDULGENCES

1. Tertiary members residing in places where there is no church of the Order or Sodality may obtain the indulgences proper to them, observing all other conditions, if they visit the respective parish church.

2. Tertiary members residing in colleges, seminaries, and other communities may obtain the aforementioned indulgences by visiting their own church or a private chapel in their home, setting aside other pious works.

3. Tertiary members who, due to a legitimate impediment, are unable to visit the church, as judged by the confessor, may obtain these indulgences by performing another pious work in place of the visit, as assigned to them by the confessor for this purpose.

4. Tertiary members who are prevented from entering the church and are about to receive the General Absolution, may receive it on another day of precept within the ensuing eight days.

5. Tertiary members may receive the General Absolution the day before a feast day to which it is attached, after having completed their sacramental confession from their own confessor.

6. Tertiary members who are infirm or convalescing, and who are unable to conveniently leave their home, may obtain the same indulgences as if they were personally visiting a church of the Order or Sodality, by reciting five times the "Our Father," "Hail Mary," and "Glory Be," and by praying according to the intention of the Supreme Pontiff.

7. These same infirm or convalescing Tertiary members may obtain all the aforementioned plenary indulgences within eight days of the day for which they were granted.

[*Latin ed. p. 402*]

402 From the Sacred Congregation for Indulgences, DECREE: Whereas, by the Decree of this Sacred Congregation concerning Indulgences and

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Sacred Relics, dated July 18, 1902, all indulgences, by which secular tertiaries of any Order, through communion with the first and second Orders respectively, previously enjoyed benefits, were completely abolished; and whereas, it was prescribed to the Superiors of religious Orders possessing their own distinct Third Order, that they propose a new Index of indulgences for their secular tertiaries; the General Minister of the Order of the Most Holy Trinity for the Redemption of Captives, complying with this mandate, prepared the aforementioned Index and humbly submitted it to this Sacred Congregation; which, with the assistance of some of its Consultors, called it for examination. His Holiness, Pope Pius X, in an Audience on August 28, 1904, having heard a report on these matters made by the undersigned Cardinal Prefect, confirmed from the list of Indulgences enumerated in the aforementioned Index, those which had previously been directly granted to tertiaries, while, in place of those which they enjoyed through the force of communion, He mercifully granted others; and He also ordered that, in the future, the members of the aforementioned Order who are secular tertiaries should participate only in those indulgences, and that they should enjoy only those privileges and indulgences which are listed in the aforementioned Index. This concession, the same Holiness wished to be valid forever, without any Bull of promulgation. Notwithstanding any contrary provisions. Given at Rome, from the Secretariat of the same Sacred Congregation, on September 25, 1904. A. Card. TRIPEPI, Prefect. For the Reverend Father and Doctor Panici, Archbishop of Laodicea, Secretary. L. ″f* S. Joseph M. Can. Coselli, Substitute.

[*Latin ed. p. 403*]

From the Sacred Congregation for the Apostolic Visitation, 40, 3. FROM THE SACRED CONGREGATION FOR THE APOSTOLIC VISITATION. Apostolic Visitation of the City and its District, ordered by the Most Holy Pope Pius X by the Bull *Quum arcano Dei consilio* on February 11, 1904. (O. Concerning Private Oratories. Questions to be answered by those holding indulgences, with a request that they respond with the greatest clarity and precision. A copy of these questions, with the corresponding answers, may be deposited in the archives of the respective house; the other will be sent to the Most Reverend and Most Reverend Monsignor Secretary, at the offices of the Congregation of the Holy Apostolic Visitation in the Palace of the Chancery, no later than June 30th of this year. N.B. The copy to be sent to Monsignor Secretary must be signed at the end by the holder of the indulgence or the head of the family holding the indulgence. 1. By whom was the private oratory established? When? 2. With what ecclesiastical authorization? Perpetual or temporary? 3. To whom was the indulgence granted? Are they all still living? Was the indulgence perhaps extended to other persons? To whom? When? 4. Are certain days excepted in the indulgence? How many? Which ones? 5. Do those holding indulgences

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enjoy any other privileges regarding the use of the oratory for functions or for indulgences? (The authentic documents of the indulgence and the privileges will be presented to the Visitor). 6. Has the oratory ever been visited? When? By whom? (The act of visitation will be presented). 7. Where is the oratory located? Is it in a separate, noble, and decent room? Does it serve as a passageway? Is it also sometimes used for other domestic purposes? (i) Cf. Acta S. Sedis, vol. 3j, p. 202 et 275.

[*Latin ed. p. 404*]

From the Sacred Congregation for the Visitation Apostolic, Article 8. Are there other rooms above the oratory? What purpose do they serve? 9. Are the walls, ceiling, and floor of the oratory clean and decent? If there are frescoes, or even movable paintings, bas-reliefs, or other figures in stucco or marble, do they all represent some sacred subject? What do they represent? 10. To whom is the altar dedicated? Is there an image of the titular saint in painting or sculpture upon it? 11. Of what material is the altar? Does it have steps, or at least a base? (The altar of private chapels can serve solely as a cupboard for sacred vestments and for relics.) 12. Is there a baldachin above the altar? (This is prescribed if there is another room above the oratory.) 13. Was the altar consecrated? When? By whom? 14. If it is not consecrated, is the sacred stone well preserved? What are the measurements of its sides? Has the reliquary ever been opened? Is it properly inserted into the altar table? 15. What is the height of the altar, measured from the floor of the base? (It should not be less than 9 cm, nor more than 105 cm), what is the length of the altar table? (It should not be less than 1.50 meters). 16. Is the front of the altar well adorned? If not: Does it have a decent frontal? 17. Does the altar have the three linen cloths? Does the upper cloth hang down from the sides to the base? (If the altar is well adorned on the sides, or if it is completely empty and open underneath, the upper cloth is tolerated if it is short on the sides, as it is on the front). Is there a covering above the three linen cloths to keep them clean?

[*Latin ed. p. 405*]

From the Sacred Congregation of the Visitation, 40, 5; from the Apostolic Constitution, 1, 8.

18. Is the Crucifix clearly visible on the altar? Is it of the necessary size? (The larger arm of the cross must be at least 40 centimeters long, and the smaller arm at least 20 centimeters; however, in small private chapels, a Crucifix of somewhat smaller size may be tolerated).

19. Are the candlesticks and altar linens in good condition?

20. Is there also a footstool? What does it depict?

21. Is there a lectern for the Missal? Is the Missal well preserved? Does it contain all the Masses, including those recently permitted?

22. Is the chalice lined internally with silver and gilded? Is the paten

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clean and well gilded? Are the paten and chalice kept in their proper containers? (It would be most inappropriate if, in the oratory, or even in the house, other silver vessels were used for the holy sacrifice, and the chalice and paten were made of a less noble metal).

23. Does the oratory have a wardrobe specifically for storing the sacred furnishings?

24. Is there a sufficient supply of corporals, purificators, and pallia? (These must be made of linen. Who performs the initial washing before they are put in the laundry?)

25. Is there also a sufficient supply of albs, amits, and sashes? (The alb and amito must be made of linen; the sash may be made of linen, or of white silk, or of a color that matches the vestment.)

26. Are there the appropriate vestments, including the stole, maniple, veil for the chalice, and pall for the corporal? (All of these items must be made of silk.) Are there vestments in the five liturgical colors: white, red, violet, green, and black? Are they all in good condition?

27. Are there crystal ampullae, well cleaned, with their respective saucers? (Those made of metal are no longer permitted.)

28. Who is responsible for providing the hosts and wine for the Holy Mass? What diligence is used to ensure that these sacrificial materials are genuine?

29. Is there a suitable piscina with its basin for the celebrant in a suitable location?

[*Latin ed. p. 406*]

406 From the Sacred Congregation for the Apostolic Visitation, 30. Does the Oratory possess relics of saints? (These will be presented to the Visitor, along with a description of them and documents of authenticity). 31. How many times per month is Mass celebrated in the Oratory? Is there a permanent chaplain? Who is he? 32. During the celebration of Mass, is care taken to ensure that no disturbance is caused to the sacred action from nearby apartments, or those above or below? 33. Are there any Masses endowed for celebration in the Oratory? (If so, the administrator must request two copies of this questionnaire from the Vicariate for the endowed Masses; answer each question, and present both copies signed to the Visitor). For endowed Masses, INFORMATION AND STATUS: 1. Of the Endowment (1) established in the Church of (2) for (3). N.B. / Every administrator of a church, benefice, confraternity, religious institute, or other ecclesiastical entity, must complete this form in two copies for each endowment, and both copies, signed by him and by the superior of the church, must be presented to the Visitor. One copy will remain deposited in the archive of the entity burdened by the endowment, and the other will be attached to the records of the Sacred Apostolic Visitation. 2. If, in order to fully

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answer the questions regarding the endowment, more space for answers is required, or if there is useful information not provided in this form, additional sheets may be added, indicating the number of the question to which the additions refer. (1) Denomination of the Endowment. (2) Title of the church in which it is established. (3) Masses, anniversaries, sacred functions, or other pious purpose.

[*Latin ed. p. 407*]

From the Sacred Congregation for the Apostolic Visitation:

Summary of the Capital Act

Date of the Act

Name of the Notary

Date of the Last Mortgage Registration

Maturity Date of the Capital

Surname, Name, and Residence of the Debtors

Percentage Rate

1. Who founded the Legacy?

2. In what year, month, and day?

3. With what document? By whose request?

4. Does the Legacy have its own endowment? What was it originally?

5. If it does not have a distinct endowment, upon what other entity or family does the Legacy rest? (1)

6. According to the most recent civil laws, has the endowment undergone any changes? What changes?

7. What is the current endowment of the Legacy? (If in capital, rents, services, and the like, these shall be described in the following table) (2)

Annual Yield

If in public securities, the titles shall be described in the following table:

Title Holder

Number

Date

Amount of Registration of the Issuance

Capital

Gross Annual Yield, after deductions (1)

It shall be stated the name of the Benefice, Chapter, Charitable Work, Administration, Confraternity, or Family, upon whose patrimony the Legacy rests, both in Response 5 and in the table in Response 7. (2)

If, by chance, the Legacy possesses any real estate, it shall be described

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in a separate document.

[*Latin ed. p. 408*]

408 From the Sacred Congregation for the Apostolic Visitation, Article 8. Who administers the endowment? Does the administrator demand compensation for the administration? If so, what is the amount? 9. Have any reductions or suspensions ever been obtained from the Holy See regarding obligations owed by some institution or family? (If so, the authentic document should be presented to the Visitor). 10. Has any principal sum of the endowment been repaid? Where is it deposited? How has it been reinvested? 11. Are the fruits of the capital, rents, or obligations paid regularly? If there are arrears, in what amount? Has any legal action been initiated to collect them? 12. What is the purpose of the endowment? a) If for the celebration of Masses: Indicate the number, the church, the altar, the day, the hour, for the benefit of whom, the alms for each Mass, the distribution, all as prescribed in the founding document. b) If for anniversaries: Indicate the number, the church, for the benefit of whom, the number of priests required and their names, whether all with the application of a Mass, the alms for each priest, the distribution to the church, and other related expenses, as prescribed in the founding document. c) If for liturgical functions or provisions, for Benedictions, Tridui, Novenas, Preachings, Vespers, and similar events; or for provisions of oil, wax, wine, and similar items: Indicate the church, the altar, the day, the manner, and the related expenses, according to the founding document. d) If for dowries, subsidies, alms, distributions of bread or other items: Indicate the day, the number and qualifications of the brides or those receiving assistance, the amount for each, and the total amount to be spent, all as prescribed in the founding document. 13. Have any permanent reductions or modifications of obligations ever been obtained? When and by whom? To what extent? (The authentic decree should be presented to the Visitor). 14. Have any temporary reductions and suspensions been obtained? When and by whom? To what extent? When do they expire? (The decree should be presented).

[*Latin ed. p. 409*]

From the Sacred Congregation for the Apostolic Visitation, Article 15. What reasons were presented to obtain the aforementioned reductions or suspensions? Do those reasons still exist?

Article 16. What is the current method by which the endowment is fulfilled?

Article 17. What is the financial status of the endowment? Describe it in the following table:

Assets:

Income:

Yields from Capital:

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Centèsime (a tax):

Quota of contribution:

Deductions from Income:

Performance of other entities or families:

Gross Public Income:

Liquid Assets under administrative control:

Total Assets:

Liabilities:

Total Liabilities:

Total Assets / Total Liabilities:

Total:

Summary:

In total:

The net sum to be disbursed for the endowment:

Article 18. Do the records show that the obligations of the endowment were always fulfilled in the manner and measure desired by the Founder, or indicated in the decree of reduction? (Present the records to the Visitor).

Article 19. If not, was a remission obtained? How? When? And by whom? (Present the authentic decree to the Visitor).

Article 20. Is the fulfillment currently regular? If not, whose fault is it?

Article 21. Is this endowment listed in the sacristy inventory?

Article 22. What proposals can be made regarding the better management of the endowment?

(1) Here, those specific incomes or expenses that a particular endowment may have, which are not included in the aforementioned items, will be recorded.

[*Latin ed. p. 410*]

410 Appendix III. The answers to the questions, and the aforementioned documents, are declared to be in conformity with the truth. Attached are sheets No. . . . . documents No. . . . . Rome, this day. . . • 1904. The Rector of the Church The Administrator of the Endowment The answers and documents mentioned above were examined in relation to the records and registers produced during the Holy Apostolic Visitation of the Church of. . . . with sheets No. . . . and with documents No. . . . Rome, this day. . . . 1904. The Visitor The Chancellor *+o*» APPENDIX III. Concerning marriage by procurator, messenger, interpreter, letters, telegraph, and telephone. Introduction. 1. This treatise on marriages celebrated by a procurator, messenger, etc., although the subject matter is, perhaps, more relevant to modern times than to frequent practice, was undertaken for various reasons. 2. Firstly, we were moved by the consideration that perhaps many do not fully

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understand the nature, conditions, and effects of these types of marriages. Secondly, we were persuaded that a treatise of this kind would wonderfully serve to understand and appreciate the true and intimate nature of Christian marriage. Finally, a third reason was not lacking, which prompted us, and that is that this treatise may provide a means of resolving certain cases, which, although rare, may occur, and which, due to their novelty and importance, could present a considerable difficulty.

[*Latin ed. p. 411*]

Appendix III. 411 3. We shall, as far as possible, consult the decrees in this discussion. Lest the brevity of the wording harm the substance, due to the complexity and importance of the matter, we shall expound these questions seriatim, since they are the cornerstone and foundation of everything: 1) Who is to be considered a procurator, and in what matters may a procurator be legitimately appointed? 2) Whether procurators are lawfully admitted in marriages according to canon law? 3) Whether the Council of Trent altered the ancient discipline? 4) Whether marriages thus celebrated, even after the Council of Trent, retain the sacramental nature? 5) What conditions are required by law for the legitimate appointment of procurators in marriages? 6) How is such a mandate to be fulfilled? 7) In what ways does it expire? 8) Whether, as with procurators, so also messengers or interpreters may be admitted in marriages? 9) What is to be thought of marriages performed by letter, telegraph, and telephone.

QUESTION I. Who is to be considered a procurator, and in what matters may a procurator be legitimately appointed?

4. A procurator, according to the definition given by Ulpian in Fragment I of the title "De procuratore," is he who administers the affairs of another by the mandate of his lord. From this definition, three things are clear: a) The term "procurator" comes from "pro alio curare," that is, to take care of another's affairs, or to conduct business in the name and on behalf of another; for no one could rightly be called a procurator, even if he took the most diligent care of his own affairs. b) A procurator can be appointed by one lord, at least in general terms. c) A procurator differs from a manager of affairs, who indeed conducts the affairs of another, but without the lord's mandate; also, from a guardian, because he is appointed either by the law or by a testator, etc.; and also from a messenger, for he, as will be explained more fully below, has a purely ministerial function of announcing or communicating what has been done or is to be done, or what is actually being done, by the person of whom he is the messenger.

5. All procurators, although they agree in the fact that they conduct the affairs of another by the lord's mandate, are distinguished by various

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characteristics.

[*Latin ed. p. 412*]

412 Appendix III. [Concerning Procurators] And therefore, since the scope of the mandate varies, they receive various names. Thus, Ulpian rightly states in the first book: "A procurator can be appointed for all matters, or for a single matter; he can act either in person, or through a messenger, or through a letter." And Fragment III, also by Ulpian: "Furthermore, a power of attorney can be granted for a future event, for a specific day, under a condition, and until a specific day." 6. The most common distinction among procurators is: a) between procurators for business matters or for legal disputes, depending on whether they are appointed to handle matters outside of court, or within the court; b) between general procurators and special procurators, depending on whether they are authorized for all matters or disputes, or for a specific matter or dispute. 7. The reason for the acceptance of the use of procurators is very evident. For, as Ulpian rightly states (in Fragment I, already cited): "The use of a procurator is extremely necessary, so that those who are either unwilling or unable to manage their own affairs can have them handled by others." 8. If it is asked whether this rule concerning the appointment of procurators is so general and constant that it admits of no exception, the answer must be negative, because, if there are many matters that call for the appointment of a procurator, there are also many that do not permit it. 9. In order not to be uncertain in this distinction between matters and actions to be performed, it is prudent to establish clear rules. The following are generally observed: a) Since, according to Rule LXVIII of the Code: "One can act through another, in matters that one can do oneself," and Rule LXII, also in the Code: "He who acts through another is considered to act himself," generally one can conduct one's affairs through another, because by acting through another, it appears as if one is acting oneself; therefore, it is generally permissible to appoint procurators with respect to all matters, whether judicial or extrajudicial: b) However, since there are certain matters that, either by their nature or by positive law, must be handled personally, these must be excluded from the general rule that allows for the use of procurators; therefore, all matters and actions that reason or law require to be carried out personally are excluded.

[*Latin ed. p. 413*]

Appendix III. 4 i3 i o. The Rule, being thus established and defined with proper terms, it is clear why procurators can be lawfully appointed, for example, to enter into a contract, to bring a lawsuit, etc.; and conversely, why they cannot be appointed, for example, to draw up a will, to administer sacramental confession, etc.

QUESTION II. Whether procurators are lawfully admitted in matters concerning marriage according to Canon Law.

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1. It is well known that, under Roman law (at least under certain laws), marriages were considered to be among those matters that could be transacted through a procurator, as can be seen, for example, from fragments of Pomponius and Papinianus, cited in Digest 5 and 34, concerning the rites of marriage.

2. Thus, Pomponius states: "A woman can be validly married by letter or by messenger in the absence of her husband, if she is brought into his house; but a woman who is absent cannot be brought by letter or by her messenger to be taken by her husband: for the bringing must be done to the husband's house, as to the domicile of the marriage." Papinianus states: "It is not considered a valid marriage if, with a general mandate to find a husband, a daughter of the family is married; therefore, it is necessary to present her person to her father, who must consent to the marriage, in order that the marriage may be contracted."

3. These words of the most distinguished Roman jurists are cited here primarily because, even in our own law, their opinions are to be considered. If someone were to object that Pomponius speaks of letters and messengers, and not at all of procurators, the reply is that the argument proceeds from the lesser to the greater: for if a marriage can be validly contracted by letter or by a simple messenger, then it can certainly be validly contracted by a procurator.

4. Furthermore, it is a certain and established fact in our own law that marriages can be lawfully entered into through a procurator, as is evident from the sources of law, the authority of doctors, and finally, from accepted customs.

5. With regard to the sources of law, we have first the canon xin, Causes 32, Question 11 in the Decree of Gratian. In that canon, quoted from the book "De Patriarchis,"

[*Latin ed. p. 414*]

414 Appendix III. In scripto S. Ambrosii, commemorantur nuptiae, celebratae iussu Abrahae ab eo servo, cum Rebecca, nomine et favore Isaaci. Honorantur (ita enim ibi legitur) parentes Rebeccae muneribus; consulitur puella non de sponsalibus (illa enim iudicium expectat parentum, non est enim virginalis pudoris eligere maritum), sed iam desponsata viro, de profectionis die; et non immerito dilationem non attulit. Iure enim properar et debuit ad maritum, etc.

16. Verum inter caeteros fontes iuris, potissimum est habendum C. IX, De procuratoribus in vi, ubi Bonifacius VIII, accuratissime descripsit, inter cetera, conditiones, quibus pollere ac modus quo exerceri debet mandatum procuratorium ad matrimonium. Quem canonem tamen hic non exscribimus, cum infra singulas ipsius partes expendere debeamus.

17. Quod pertinet ad auctoritatem doctorum, sufficiat unum alterumve

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tum ex theologorum tum ex canonistarum agmine citare. Sic, inter theologos, S. Alphonsus de Ligorio (Theol. Moral. L. VI, n. 885, commentando verba Busembaum), apertissime disseruit de matrimonio per procuratorem, necnon de condicionibus ad id requisitis. Inter vero canonistas, Schmalzgrueber (Comm. in Decretai), sub Tit. De sponsalibus, n. 248, ad quaestionem: an matrimonium contrahi per procuratorem possit? respondet: affirmative, nam ita habetur expresse cap. fin. de procurat., in VI, ex quo certum fit id licuisse saltem ante Tridentinum. Quae postrema verba ideo adhibuit Schmalgrueber, quia non defuerunt aliqui, qui falso, ut probabimus infra, existimarunt Conc. Tridentinum per caput Tametsi (C. I, De Ref. Mat., Sess. XXIV), antiquam disciplinam mutasse.

18. Tandem, quod spectat ad praxim coniugiorum per procuratores celebrandorum, de ea nobis testes sunt, inter caeteros, v. g. Gasparri, De Matrim., v. 11, n. 834. Haec doctrina (quod nempe etiam post C. Trid. haec matrimonia sint legitima) confirmatur ex praxi Ecclesiae, quae haec matrimonia in forma Tridentina aliquando permittit. Itemque, v. g. Ferraris, in sua Biblioth. Canon., ad verbum Matrimonio.

[*Latin ed. p. 415*]

Appendix III. 4, item 5, number 3, where, arguing for the same legitimacy after the Council of Trent, he writes: "Furthermore, the practice and the sense of the Church, in fact, permit such marriages to be publicly celebrated, especially among the nobility, etc." 19. Therefore, from what has been said, we conclude that, according to canon law (at least before the Council of Trent, as all concede, and indeed even today, as we shall soon demonstrate), it was permitted, albeit under certain conditions, for marriages to be entered into through proxies. 20. If one were to ask why, in the case of a marriage, excluding all other sacraments, proxies are rightly admitted, we shall give a straightforward answer. Although Christ has elevated natural marriage to the dignity of a sacrament, He has willed to change nothing in its innermost nature. For grace perfects nature, and does not destroy it. Therefore, since before Christ marriage was a true and proper contract, and for this reason the ministry of proxies was admitted, it ought to be entirely true also after Christ. Consequently, just as proxies were formerly admitted to enter into a marriage-contract, so today they are admitted to celebrate the marriage-sacrament. In short, since marriage, before it is a sacrament, is a contract, and does not subsist under the aspect of a sacrament unless it first begins to be a true contract according to the priority of reason, proxies are admitted, as with other contracts, as is evident, for example, from the rule already cited: "One can, through another, do what one can do through oneself." 21. This doctrine is very important in our argument, because, when well understood and applied, it provides an easy path to resolving many questions, avoiding

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many ambiguities, and clarifying many difficulties. 22. It must be noted, however, that, in the opinion of all, betrothals are rightly celebrated through a proxy, both before and after the Council of Trent, provided, according to the common interpretation, that the same conditions are observed, as Gasparri notes in *De Matrimonio*, volume 1, number 33, as those that Boniface VIII assigns in chapter 9 concerning proxies for celebrating marriages.

[*Latin ed. p. 416*]

Appendix III. QUESTION III. Whether the Council of Trent altered the ancient discipline.

23. We can discern a twofold change introduced by the Fathers of Trent: one accidental, by subjecting marriage contracted through a procurator to the general law regarding the avoidance of clandestine unions, and another substantial, by completely abolishing marriages themselves contracted through procurators.

24. Regarding the first type of change, there is no room for doubt that it was indeed carried out. For marriages contracted through a procurator, since they were not excepted from the law prohibiting clandestine unions, necessarily must be considered as included within that law. And since all concede this, we need not dwell further, except to note that elsewhere we shall investigate how such unions should be celebrated today, so that the law of Trent regarding clandestine unions may be observed.

25. Regarding, however, the other alleged change, or the substantial one, through the abolition of these marriages contracted through procurators, it should be known that, as we have mentioned above, there have been some who contended that the Council of Trent did not effect this substantial change through its canons. Although it introduced the necessity of celebrating marriages before a priest and witnesses, it truly accomplished this, and therefore, marriages contracted through procurators in places where [the canon] is in force, should be considered as reprobated.

26. Although this opinion cannot in any way be maintained, for the sake of fuller instruction, it is fitting to briefly present the principal arguments with which those who held this view supported themselves.

27. Since these very arguments are briefly presented by Schmalzgrueber in his *Commentaria in Decretales*, under the title *De sponsalibus*, number 248, we shall, in order to save time and labor, make use of the very words of that learned man.

28. Whether, therefore, this [practice, or whether marriages can today, after the Council of Trent, be contracted through a procurator] continues after Trent is a matter of controversy. Some, as recounted by Peter de

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Ledesma, in question 42,

[*Latin ed. p. 417*]

Appendix III. 417 art. I, dec. 7 et I. 2 de matr. D. 11, n. i, putarunt cap. fin. cit. (seu cap. IX De procur.) per laudatam synodum fuisse correctum. Fundantur: i. quia olim matrimonium per procuratorem contractum valebat, quod eo tempore ad illud sufficeret mutuus nudus consensus, sed hodie non sufficit nudus consensus, sed is coram parocho et testibus praestari debet, prout habetur Sess. 24, Cap. i. De reformat, matrimon. ergo etc.; 2. idem Trid. loc. citat, decernit, ut omnino coram parocho et testibus contrahatur, ita quidem, ut parochus, viro et muliere interrogatis, et eorum mutuo consensu intellecto, dicat, ego vos in matrimonium coniungo etc. ac proinde supponit ambos contrahentes debere per se immediate et praesentialiter exprimere consensum suum, non autem mediante procuratore vel internuntio ; 3. ab eodem concilio praescribitur nova matrimonio forma, quae per aequivalens seu aequipollens suppleri atque adeo procuratoris ministerio compensari nequit ; 4. parochus et testes debent posse testari de matrimonio rite contracto, non autem testari possunt de isto, si consensus ante ipsos per solum procuratorem praestatur, quia nesciunt an principalis mandatum dederit, vel an non interea eumdem revocaverit ; 5. ex matrimonio per procuratorem contracto oriu'Uur multa non levia inconvenientia ; quia contingere potest et saepe contingit aliquem ex contrahentibus tempore, quo celebratur, esse mortuum, vel consensum revocasse, vel cum non satis cognitam habeat personam, cum qua per procuratorem contrahit, compelli cum gravi sua displicentia eidem convivere. 2 9 . Verum hisce non obstantibus argumentis, dicendum (prosequitur idem Schmalzgrueber) et tamquam certum tenendum, quod matrimonium etiam in Ulis locis, in quibus Trid. receptum est, per procuratorem contrahi etiamnum possit. Ita, addit Schmalzgrueber, Henriquez, Sánchez, Guttierez, Coninck, Palaus, etc. etc. et alii plures apud istos, ex quibus nonnulli temeritatis notam inurunt adversae sententiae. 3 0 . Schmalzgrueber concinunt S. Alphonsus, ut iam indicavimus, Ferraris, Scavini, Gasparri, Feije et alii infiniti sive ex theologis, sive ex canonistis, qui post Conc. Trid. seri-

Appendix III. 417 art. I, dec. 7 and I. 2 concerning marriage, D. 11, n. i, putarunt cap. fin. cit. (or chapter IX Concerning Procuration), have been corrected by the esteemed synod. The reasons are: 1. Because formerly, marriage contracted through a procurator was valid, and at that time, mutual naked consent was sufficient for it; but today, naked consent is not sufficient, but it must be given before the parish priest and witnesses, as stated in Session 24, Chapter I, Concerning the Reform of Marriages, etc.; 2. The same Council, in the aforementioned passage, decrees that marriage must be contracted entirely before the parish priest and witnesses, in such a way that the parish priest, after questioning the man and the woman,

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and understanding their mutual consent, says, "I join you in marriage," and therefore, it presupposes that both parties must immediately and personally express their consent, not through a procurator or messenger; 3. The same Council prescribes a new form of marriage, which cannot be supplied by an equivalent or equivalent means, and therefore, cannot be compensated for by the ministry of a procurator; 4. The parish priest and witnesses must be able to testify about a marriage properly contracted, but they cannot testify about it if the consent is given before them only through a procurator, because they do not know whether the principal has given the mandate, or whether he has revoked it in the meantime; 5. Many serious inconveniences arise from a marriage contracted through a procurator; because it can happen, and often does happen, that one of the parties, at the time of the celebration, is dead, or has revoked their consent, or, when they do not have sufficient knowledge of the person with whom they are contracting through a procurator, they are compelled to live with that person against their will. 29. But despite these arguments, it must be said (and considered certain, according to Schmalzgrueber), that marriage can still be contracted through a procurator even in those places where the Council of Trent has been received. Thus, adds Schmalzgrueber, Henriquez, Sánchez, Guttierez, Coninck, Palaus, etc., etc., and many others among these, some of whom display a mark of temerity in their contrary opinions. 30. Schmalzgrueber agrees with St. Alphonsus, as we have indicated, with Ferraris, Scavini, Gasparri, Feije, and many others, whether theologians or canonists, who after the Council of Trent, seri-

[*Latin ed. p. 418*]

4i8 Appendix III. [They] have persevered, so that today, as far as I know, no one holds an opposing opinion, which, therefore, must be considered entirely outdated and false.

31. Thus, for example, Gasparri, *De Matrimonio*, vol. 11, no. 834: "The common opinion is that this right still holds, and that marriage can be contracted through a procurator, provided that certain conditions are met (or conditions of which Boniface VIII warned), even during the Tridentine Council, because the Council of Trent made no change in this matter." Also, for example, Feije, *De Impedimentis et Dispensationibus Matrimonii*, no. 300: "It is certain that marriage, with the necessary conditions observed, can be contracted through a procurator."

32. If anyone seeks other arguments, whether external or internal, to prove the truth of the opinion that affirms this, we will respond that neither are lacking.

33. Indeed, the Sacred Congregation of the Council and the Rota have repeatedly declared marriages celebrated through a procurator to be valid and legitimate after the Council of Trent. Thus, for example, Riganti, in *Commentaria ad Regul. XLV Cancell. Apost.*, reports that the Sacred Con-

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gregation declared the marriage of John Baptist Piccino with Anna Rollo, celebrated through a procurator, to be valid on May 7, 1701, and the Rota, in *Neapolitana Matrimonia*, on June 18, 1703, before Ansaldo, also declared a certain marriage begun through a procurator to be valid.

34. More recently, the same Sacred Congregation, on April 7, 1883, in a second instance case concerning a marriage celebrated through a procurator between Leo and Eleanor, in response to the question: "Whether the sentence of the Archdiocesan Court of Naples (which had declared the validity of the marriage) should be confirmed or overturned in this case," responded: "The sentence should be confirmed."

35. It is therefore not surprising that today both the school and the forum acknowledge the complete legitimacy of marriages contracted through a procurator, even after the Council of Trent. For the Council of Trent only condemned clandestine marriages, or those not celebrated before a priest and witnesses; and this was done to eliminate the most serious inconveniences that arose from clandestine marriages. But no one of sound mind would seriously say that a marriage, although celebrated through a procurator, but before a priest and...

[*Latin ed. p. 419*]

Appendix III. 419 witnesses, that it is clandestine and provides a place for those inconveniences, concerning which the Fathers of Trent were concerned. Therefore. 3 6. Consequently, just as marriages are rightly celebrated today, after the Council of Trent, by means of messengers and letters, they can also rightly be celebrated by means of procurators, since it must be entirely presumed that the Council, when establishing nothing concerning such marriages, left them under the disposition of the ancient law. And this is all the more so because, (as the most learned Schmalzgrueber rightly points out in the cited passage), corrective decrees of the law are to be interpreted strictly, and they should not be extended beyond the cases comprehended in their own literal meaning, etc. 3 7. Because it was decided above to use the words of the aforementioned Schmalzgrueber, in a brief and concise discourse, to refer to the principal arguments of the adversaries, it is also pleasing here to refer verbatim to their refutation, as it is made there by the excellent canonist, number 250. 3 8. The arguments opposed do not hold. Regarding 1. The distinction between the ancient law and the new law introduced by Trent is this: formerly, a marriage could be contracted by a procurator with simple consent, without a parish priest and witnesses; now, the presence of these is required. Regarding 2. Firstly, the question is, and the words of the parish priest are not essential; then, the procurator can also be questioned about the consent of his principal, and after this has been explained, the parish priest can say, "I join you, appearing in the name of the procurator"; or, "I join you, procurators, inasmuch as you represent your principals." Regarding ß. The Council of Trent prescribed a new form

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for marriage, both in the act and in its object, requiring the presence of the parish priest and witnesses, but not in the subject, or the contracting parties; and therefore, the presence of the parish priest and witnesses cannot be replaced by an equivalent, but the presence of the contracting parties can be replaced by a minister and a procurator, because, according to the common rule, that which someone does through another is considered to be done by himself, reg. qui facit 72 in VI, the presence of the procurator is equivalent to the presence of the principal. Regarding 4. It is not required that the parish priest and witnesses testify that the marriage is truly valid, (for this is impossible, since it can be rendered invalid).

[*Latin ed. p. 420*]

Appendix 420 III. [It is possible] that, due to a mere internal dissent, [a marriage] may not be valid, but it suffices that they can testify to the marriage, which is held and ought to be held valid in the external forum; concerning this, they can indeed testify, as long as the defect of a sufficient mandate, or its revocation, is not proven. Regarding point 5, the argument demonstrates to the highest degree that a marriage contracted through a procurator *could* have been rendered invalid due to those inconveniences, but not that it *actually* was rendered invalid. Add to this that every human contract is always exposed to some inconveniences. 39. Therefore, the firmest conclusion remains (from which, according to the aforementioned doctors, to whom we fully subscribe, it is in no way permissible to deviate without the mark of temerity), that even today, after the Council of Trent, marriages can be lawfully celebrated through procurators, and that such marriages, when thus celebrated, are at least valid under the aspect of a contract. If something still remains that might perhaps be doubted concerning the validity of such a union, insofar as it is a sacrament, as we shall soon see, there is absolutely no room for doubt concerning the validity of the same insofar as it is a contract. For if these unions are valid even after the Council of Trent, under what aspect could they be valid, unless at least under the aspect of a contract? And in truth, if there has sometimes been doubt among Christians regarding certain marriages, lawfully and legitimately celebrated, as to whether they are valid under the aspect of a sacrament (as in the present case), there has never been doubt as to whether they are at least valid under the aspect of a contract. For a marriage to be certainly valid, but not to be valid unless under the aspect of a sacrament, is utterly absurd, since every Christian marriage, before and more than being a sacrament, is necessarily a certain contract. But if it is indeed held today that unions begun through a procurator are at least valid under the aspect of a contract, does the same proposition grant them the same certainty, attributing to them the same firm validity under the aspect of a sacrament? This, however, must be investigated under the fourth question. Carolus Lombardi (Follows)

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Professor at the Pontifical Roman Seminary.

[*Latin ed. p. 421*]

DECREE OF THE ROMAN PONTIFF, POPE PIUS X, CONCERNING SPIRITUAL EXERCISES TO BE PERFORMED BY THE CLERGY (i).

TO OUR BELOVED SON, PETER, TITULUS SANCTISSIMORUM QUATUOR CORONATORUM, SACERDOTAL CARDINAL RESPIGHI, OUR VICAR IN THE CITY, PIUS PP. X.

Beloved Son, health and the Apostolic blessing. It has been experienced sufficiently that human nature is so unstable that even the most diligent in the performance of their duties, unless stirred by opportune incentives, gradually cool towards virtue, and finally languish completely, falling into vice.

(i) We, as Vicar of the City, obeying the wishes of the Supreme Pontiff, have established the following salutary provisions for the secular clergy of the City and its District:

To the most beloved priests of the secular clergy of Rome and its District. We are pleased to inform you that the Holy Father has deigned to send us the letter which we reproduce below, which contains a new proof of the affection and concern that He feels for the clergy of this beloved city. And in conformity with the wishes of the Holy Father, We decree as follows:

1. All the secular clergy of Rome must, at least every three years, perform the Spiritual Exercises in one of the three houses mentioned in the letter of the Holy Father, or in others that may subsequently be designated for this purpose.

2. Whoever, for special reasons, wishes to perform them elsewhere, must obtain permission from the Vicariate of Rome, and then present a certificate of having completed them.

3. Beginning in the year 1908, neither the faculties to celebrate Mass nor those to hear sacramental confessions will be renewed for those priests who have not fulfilled the obligation imposed upon them by the Holy Father during the three-year period. But we are firmly persuaded that we will never be forced to use such a measure with any priest.

4. Each priest who wishes to be admitted to participate in a group of Spiritual Exercises must, in due time, give his name to the Secretariat of the Vicariate, indicating the place and the days he prefers, according to the table that will be published each year.

Acta S. Sedis, Vol. XXXVII, page 27.

[*Latin ed. p. 422*]

Letter 422. Since priests are certainly not exempt from this condition of human nature, it is necessary that they employ certain aids, so that they may not, at times, lack strength, and so that they may repeatedly restore

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their strength and regain their former zeal. Such aids, it seems to God, are best sought in some pious retreat, that is, by withdrawing themselves for a few days to consider their past life: "I have considered my ways, and have turned my feet unto thy testimonies" (Psalm 118, 5-9). Indeed, reason makes this clear, as is evident from the manner in which the Lord Jesus Christ acted with the Apostles. For when, having been appointed to be messengers of His doctrine and law to the whole world, He frequently sent them, while they were still with Him, to villages and towns in Judea and Galilee, to preach the Gospel, and upon their return, after they had heard and done what they had learned, He would gather them together on the 5th day.

1. The sum is fixed at L. 16.

2. Provision will be made to assist those who find themselves in a recognized inability to pay the aforementioned sum.

3. It is earnestly recommended to the Priests not to wait for future years, but to hasten to fulfill the holy desires of the beloved Pope, by enrolling immediately for the retreats of this year, which are already established according to the table which we add below.

From Our Residence, this 2nd day of January, 1905.

P. CARD.

VICARIO.

Francesco

TABLE of Spiritual Exercises

Cecchini, of the Mission for the Clergy

February.

From the evening of Sunday.

March.

April.

May.

June.

July.

August.

September.

October.

November.

December.

of and of the SS. Giovanni

» »

Rome, Can. Faberi, in the pious houses

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9> in the morning of Saturday
<9> 21, 18, 2, 20,
» » » »
3, 8, >9> of and Paul during the year
» »
Villa 1905.
25. 25. 27. 24. 8. 26. 9- 14. 25. 3>(N. 9R.).

[*Latin ed. p. 423*]

Letter 423 encouraged solitude, so that, refreshed in spirit, they might be more ready for labor. "Come apart into a desert place, and rest a while" (MARK, VI, 31). Indeed, it must be considered that the Lord extended this invitation not only to the Apostles to whom He spoke directly, but to all those who would participate in the apostolic ministry, so that those who, because of the sanctity not only of their office but also of their lives, ought to be the salt of the earth, the light of the world, and almost earthly gods, might make the greatest use of the means for preserving and increasing their sanctity. For, if we seek the ornaments of all virtues that befit a cleric, they include a love of sacred things; but this, because of the instability of nature, as we have said, often diminishes with the passage of time after the day on which we were initiated into sacred things, and in many is sadly dissipated and extinguished. Moreover, the very habit that is formed by daily dealing with the same things is the reason why a priest gradually becomes more diligent in the sacred things than in the other duties of life. To this are added the dangers, which are often varied and great, that are encountered in the administration of the priestly office. Finally, since it is necessary for even religious hearts to become soiled by the dust of the world, this necessity holds the priest all the more firmly, who dwells in the midst of the temptations and miseries of the world. From these things it is clear that, if we wish to reawaken the right spirit within us, if we wish to correct any vice contracted in our actions, if we wish to acquire greater constancy in the face of trials, we must withdraw from the daily cares of our place, and, having briefly returned from the ministry to discipline, we must return to that place from which we once derived a fervent zeal for good, and there we must be docile in receiving the voice that reminds us of our duties, that corrects us profitably, that encourages and urges us to better things. Therefore, nothing is more beneficial than to withdraw far from the noise and agitation of common life; for the soul, in order to receive the gifts of the Holy Spirit, finds rest a most agreeable companion: "I will lead her into the desert, and I will speak to her heart" (HOSEA II, 14).

[*Latin ed. p. 424*]

424 Indeed, we do not believe that any priest can be found who, placed in such difficulties, anxieties, and dangers, would not immediately feel the

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need to seek support, which spiritual exercises, as they are called, provide. Yet, we see that these very things are eagerly sought after and diligently practiced by those whose lives and duties are most commendable, while by others, alas, they are neglected to such an extent that they seem to be considered of little importance. What then? Any merchant, to whom his business is dear, will diligently and daily, and more carefully each year, calculate the accounts of his receipts and expenditures; but will a priest, and guardian of souls, who, while administering the affairs of God, is about to render an account to God, never, by taking stock, weigh his duties and actions, and consider whether they are in accordance with his vocation, or entirely contrary to it? We must implore divine mercy, that it may persuade all members of the clergy to recognize the benefit of this institution, which offers them such great assistance, so that they may properly serve as ministers of Christ and dispensers of the mysteries of God. Meanwhile, to us, who owe a particular and important part of our care to the governance of the entire Church to this venerable City, it has seemed fitting to direct, above all, the fostering of the practice of spiritual exercises, in order to guide the Roman clergy as it should be. Therefore, we have informed the members of the Society of Jesus, the Passionists, and the Vincentians that they will be pleasing to us if they will endeavor to spend one week each month (from the evening of Sunday to the morning hours of the following Sabbath) in their respective religious houses in the city. Since these members have responded that they are ready to fulfill our wishes, it now remains for you, our beloved son, from the beginning of the year, to prescribe what is fitting, so that all priests in Rome, apart from those belonging to religious families, may, without any exception, participate.

[*Latin ed. p. 425*]

425 Let the letters be set aside, and allow for spiritual exercises in one of the three ascetical practices mentioned, at least every third year. There is no doubt that all those to whom these instructions are given will strive with great willingness to fulfill them, and this itself will console Us; for We believe that, in order to achieve the goal that We are urging, driven by the necessities of the times, of restoring all things in Christ, nothing is more valuable than the proper studies and examples of the Clergy. — We impart to you, Our Beloved Son, the Apostolic blessing, a testament to the divine gifts and Our benevolence, through Our hand in the Lord. Given in Rome, at St. Peter's, on the twenty-seventh day of December, in the year 1904, in the second year of Our Pontificate. PIUS PP. X.

LETTERS from Pope Pius X concerning the religious instruction to be given by parish priests in the city for the First Communion of children in the parish.

TO HIS EMINENCE CARDINAL PIETRO RESPIGHI, OUR VICAR

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GENERAL.

Most Reverend Cardinal, Among the many and weighty duties to which the zeal of the parish priests must be dedicated, the Christian instruction of the young certainly holds the first place. It is true that this duty pertains primarily to parents, who alone have the right to the crown of fatherhood through this means; but, besides the fact that many neglect it, religious instruction, which is so great a part of Christian upbringing, is imposed upon those to whom Jesus Christ said: "Go, teach all nations." And if, because of a bad seed or a fault originating from the beginning, the task of instruction is so difficult that, even without obstacles, it scarcely achieves a good outcome with the cooperation of all, how much more will it be so?

[*Latin ed. p. 426*]

Letter 426 pertains primarily to parents, who, through this means alone, have the right to the crown of fatherhood; but, besides the fact that many neglect it far too much, religious instruction, which forms so great a part of Christian education, is incumbent upon those to whom Jesus Christ has said: "Go, and teach all nations." For if, because of the evil seed contracted from the first sin, education is such a difficult task that, even without obstacles, and even with the cooperation of all, it scarcely achieves a good result, how could a young person, without help, attain the sublime and difficult heights of Christian virtue and perfection? For this reason, the Church, concerned for the good of souls, commands the pastors to impart religious instruction to the people at least on Sundays, on solemn feasts, and every day, or at least three times a week, during the time of Advent and Lent. And it also adds that, at least on Sundays and on feast days, they themselves, or through other priests, are to be diligent in instructing the children in the principles of the faith and in obedience to God and to their parents (Council of Trent, Session XXIV, chapter 4). For just as they need to take material food frequently in order to live and grow, so too, for the sake of their souls, they have a constant and urgent need of this heavenly food, in order to be formed for the Christian life and to preserve themselves as good. These young people, indeed, must be made partakers of the means of salvation offered by Jesus Christ our Lord: the Holy Sacrament.

[*Latin ed. p. 427*]

Letter 427. Such instruction is then absolutely necessary to prepare them to participate in the means of salvation offered by Our Lord Jesus Christ: the holy Sacraments of Confession, Confirmation, and Holy Communion, which alone can help them to lead a holy life. And it is especially for this reason that We feel moved, Most Reverend Cardinal, to write this letter to you, so that you may be so kind as to call the attention of the Reverend Parish Priests of Rome to this very duty, the fulfillment of which cannot be contained within the limits of the simple school of Christian Doctrine on

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feast days, but requires, in order to prepare the young for the holy Sacraments, a particular, diligent, and continuous instruction, lasting for several weeks, and perhaps even months, depending on the capacity of the young people and the Sacrament they are to receive. For this purpose, you must order that all the Reverend Parish Priests, before certain solemnities of the year, prepare the young boys and girls who have reached the use of reason to approach the Sacrament of Penance. Likewise, at certain times, they must properly dispose them for the Sacrament of Confirmation, and be very strict in granting them the permission slip, unless they have first answered the examination in a satisfactory manner; then they can truly declare that they have approached Confession, and are deemed worthy to receive the Sacrament of Confirmation.

[*Latin ed. p. 428*]

428 Concerning Communion: Furthermore, the Parish Priests of Rome shall, in agreement with Your Eminence, choose the most opportune time to instruct, for forty days or at least for a month, the young people to be admitted to their First Communion, in order to ascertain their piety, to inspire in them the greatest reverence for this Sacrament, and to prepare them to be less unworthy of so great a gift. It is true that we have in Rome the Pious Work of Michelini, called of Ponterotto, the Imperial Borromeo Institute, called the Chapels of St. Louis, and various other institutions for the First Communions of young people; but, besides the fact that these institutions are not sufficient for the immense need, these institutions, or others that might be opened, will indeed be suitable for young people who are already instructed and who come to them for immediate preparation, but certainly not for the necessary instruction for remote preparation. Therefore, while we bless the Lord, who has bestowed these pious institutions upon our Rome, which can be used by young people who are already very learned, especially if adults, for spiritual exercises before Communion, we wish to establish, in each and every Parish (as we have said above), a time for instruction, and at the same time a solemn day for First Communion; on this day, let there be a danger, in which the young people may suitably and openly...

[*Latin ed. p. 429*]

In Letter 429, we urge that those who are well-instructed, especially adults, should attend a course of spiritual exercises before receiving Holy Communion. We desire that in all years and in every parish, a time be set aside (as we have stated above) for instruction, and together with it, the solemn day for the First Communion, preceded by an examination in which the young people demonstrate that they have been suitably instructed, and by a three-day preparation always within the parish. We anticipate certain objections that may be raised. And first of all, that the

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parish priest alone will not be able to provide for so great a need; but he will have, if he desires, capable assistants in the priests of the parish, even those belonging to religious institutes, and also in good lay people, who, with God's help, are not lacking even in Rome; nor will the parish priests lack the generosity and generous support of the more affluent class in this important work, to sustain the expenses that they will encounter. Someone will say that many parishioners wish that the children, before receiving First Communion, be sent away. The parish priests can easily respond: let the young person successfully pass the examination, and he will receive a ticket for Ponterotto, or for the Gzppellette, or for other places that may subsequently be designated by the ecclesiastical authority for this purpose, and let the three-day preparation precede in the parish. And here, We earnestly urge the Religious Communities of the City to cooperate effectively with the parish priests in this most sacred matter.

[*Latin ed. p. 430*]

Letter 43, concerning matters pertaining to the Church. And we believe it opportune to offer a fervent prayer to the religious communities of Rome, that they may effectively assist the parish priests in the holy work which we commend to them. Someone will finally say that the parish priest, burdened by so many cares, will be able to do nothing else. But nothing is difficult, nothing is arduous for the endeavors of the zeal of a good parish priest, and this is demonstrated by the two parish priests, Stephen Bellesini and John Baptist Maria Vianney, recently raised to the honors of the altar. But even if the parish priest could do nothing else, he will have done much, he will have done everything, because in this way he will have provided for the true good of his parishioners, and at the same time for the best consolations of his own soul. Through Communions in the parish, he will have the advantage of knowing not only the children, but also their families, and of being able to say with the Divine Master: "I know my sheep, and they know me" (John 10:14), thereby gaining their esteem and their affection. Furthermore, being able to have easy access to families through Communions in the parish, he will be able to exercise his most salutary influence upon them, not only to remove from them those disorders and evils that may exist, and to bring them the sweetest consolations, but also to ensure that they attend the sacred functions and instructions, and especially to oversee the youth with regard to the frequency of the Sacraments.

[*Latin ed. p. 431*]

Letter 4, 3: It is a matter for lamentation that for so many, the First Communion is also the last for the entire life. Finally, with Communions celebrated in the parish, the parish priest, who will strive to mark this feast with extraordinary solemnity, so that the sanctity of the act they perform may be impressed upon the children, will find comfort in seeing on that

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day a large throng of parents, relatives, and friends gathered around him, to whom he can address appropriate and salutary admonishments with loving words of pastoral zeal. The girls of the parishes are ordinarily instructed and prepared for the First Communion in female religious institutions, which dedicate themselves to this flourishing work of charity. The parish priests should show their gratitude to these good Religious, oversee these instructions, and take care to examine the girls who are to be admitted to the First Communion in their parish churches. Here, we must commend the superiors of all those Catholic colleges and institutions in which the students, both boys and girls, are prepared each year for the First Communion. To these, let us especially urge vigilance regarding the frequent reception of the Sacraments, lest it should happen that for them, the First Communion is also the last. Finally, when Communions are celebrated privately, the parish priests should be present, so that they may show their gratitude to the meritorious institutions, and we should congratulate the boys and girls, and invite them, with the permission of their superiors, to the feast of the First Communion, which will be held in their respective parishes, so that they may, together with their peers, receive the Holy Eucharist.

[*Latin ed. p. 432*]

432 Private letters should be sent to the Parishes, instructing the Pastors to demonstrate their gratitude to the meritorious founders, to congratulate the young boys and girls, and, with the permission of their Superiors, to invite them to the feast of their First Communion, which will be held in their respective Parishes, where they will approach the Eucharistic Table with their companions. The wickedness of the times would confine the Priest to the sanctuary; let it be so, but let them know, especially the Pastors, that the soul of a young person is the most august of sanctuaries, and if it is their duty to kindle and maintain the sacred fire in these living temples, where impious hands seek to cast in fiery flames, one of the most powerful means is that which We have instilled. Therefore, we rely on your zeal, Most Reverend Cardinal, to absolutely impose this obligation on all the Pastors of the city; and, being certain that all will accept this duty with a docile spirit, we impart from the heart to you, Most Reverend Cardinal, and to the most beloved Pastors, the Apostolic blessing. From the Vatican, January 12, 1905. PIUS PP. X.

The perversity of the times would confine the Priest to the temple: let it be so; but let the Pastors especially know that the soul of a young person is the most august temple; and if it is their duty to kindle and preserve the sacred fire in these living temples, where impious hands seek to cast in flames of fire, a most important means is that which We have repeatedly mentioned. Therefore, we trust in your zeal, Most Reverend Cardinal, that you may absolutely impose this duty on all the Pastors of the city; and, being certain that all will accept this duty with a docile spirit, we impart

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from the heart to you, Most Reverend Cardinal, and to the most beloved Pastors, the Apostolic blessing. From the Vatican Buildings, on January 12, 1905 (N. R.).

[*Latin ed. p. 433*]

Allocution 4.33. ADDRESS of Pope Pius X to the Bishops present in the City for the solemn celebrations of the fiftieth anniversary of the Immaculate Conception of the Blessed Virgin Mary.

Venerable brothers, I would have wished to receive you one by one, in a private audience, and to speak to each of you face to face. But, amidst such a large gathering – as you yourselves recognize – my desire, however ardent, could not be fulfilled. Moreover, the majority of you desire to return to your respective dioceses, and in this I give you my full approval; for nothing is more pleasing to a Father than to find himself among his children, especially on the eve of the holy solemnity of Christmas. Therefore, receive now my thanks for having responded to my invitation, and for, with your presence, having made both the feast of the Immaculate Mary and the canonization of the new saints, Alexander Sauli and Gerard Majella, more solemn. At the same time, receive the affectionate greeting of He who considers himself your father and brother. As I bid you farewell, I leave you with the words of the Apostle: "My joy and my crown."

His Holiness, on December 12, 1904, addressing the Bishops who had attended the solemn ceremonies of the Jubilee of the Immaculate Conception of the Blessed Virgin Mary, said that he would have gladly received each of them individually in a private audience, were it not for their own frequent diocesan duties, but that this was not possible. He praised the Bishops for desiring to return as soon as possible to celebrate the solemnities of the Nativity of Our Lord Jesus Christ, and he thanked them for having been present at the more solemn ceremonies of the Jubilee and the canonization. Delighted to call the Bishops "my joy and my crown," whom the Holy Spirit has placed with Him to govern the Church of God, he affirmed that he confidently expects the greatest cooperation from them in the governance of the Church.

The times that lie ahead for the Bride of Christ will be more difficult, but in the words of the Apostle, there is peace and victory for Christ: "You shall not persecute." He assured them that they should have confidence, for "I have overcome the world." He commended to them the spirit of self-denial and sacrifice, zeal for souls, and charity, so that they might love their neighbor.

[*Latin ed. p. 434*]

"My speech and my crown are you! Yes, you are my joy! Because you are called to share with me the labors of the apostolate, in the governance of the Church of Jesus Christ, I expect from you, with just reason, the most

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generous and most effective collaboration. You are my crown! Because the virtues that shine in you increase the splendor of the dignity that the Lord has willed to bestow upon me, despite the smallness of my merit. The times are becoming difficult and painful for the Catholic Church: let us not be troubled. On earth, the Church is militant: it is for us to be the captains who lead the troops into battle. Do we not have, as a powerful encouragement, the certainty of victory? Before our eyes are always these divine words: "Non amisi pacem mittere, sed gladium." "Si me persequuti sunt, et vos persequentur." "Sed confidite, ego vici mundum." If we are, through our doctrine, the light of the world; through our examples, the sun of the earth; if, in a word, we make valuable that which Saint Paul recommended to his disciples, Titus and Timothy, namely, first, the sanctity and perfection of life, second, the vigor of doctrine, third, the spirit of self-denial and sacrifice, fourth, that they may conciliate the veneration of their elders, for "Omnia possum in eo qui me confortat." Furthermore, he adds: "Venerable brothers, one thing, these grave words, the Supreme Pontiff asks only of you: be vigilant over the seminaries and over those who aspire to the priesthood; the spirit of independence, which is deadly to souls, inflates you so vehemently, as you know, in the world; this independence, not only with regard to authority, but also with regard to doctrine, is a dangerous entrance, and allows for unrestrained observation. From this follows that some, imbued with this spirit, today attack all that is ours, losing completely the knowledge that our highest teachers, our fathers, and the Doctors of the Church, the interpreters of revealed doctrine, have instilled in them. If one of these new forms of wisdom were to be found in a seminary, let him be dismissed quickly, and in no way should you lay hands upon him. Regarding the sacred orders conferred upon him, even if it concerns only one cleric, never has a good outcome been foretold from his exclusion from the same orders; the Apostolic See has strengthened this (N. R.) with a blessing, saying: 'Let him repent.'" Finally, the Pontiff addressed all the present bishops and faithful.

[*Latin ed. p. 435*]

With ardent zeal and enlightened understanding, fifthly, with charity that is both strong and gentle, we shall reconcile the love and veneration of the good, the esteem and respect for even our enemies. May the loving Providence of Him who sent His apostles into the world as lambs among wolves be our support in this difficult task, for He reassured and encouraged them, assuring them that He would always be with them: "Ego vobiscum sum usque ad consummationem." Behold, the prince of this world. On the other hand, the difficulty of this task, when compared to our own meager strength, will lead us to consider ourselves always as useless instruments in the hands of the Lord, and to turn to Him in our greatest needs. He will hear us, and thus we will repeat: "Omnia possum in eo qui me

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confortat." Venerable brothers, I make only one recommendation to you: watch over the seminaries and those aspiring to the priesthood. You know that a deadly spirit of independence, harmful to souls, prevails in the world, and this independence has even entered the sanctuary; not only with regard to authority, but also with regard to doctrine. It follows that some of our young clerics, animated by this spirit of unrestrained criticism that dominates today, come to lose all respect for the knowledge derived from our great masters, from the Fathers and Doctors of the Church, interpreters of revealed doctrine. If you ever have one of these newly-minted scholars in your seminaries, quickly rid yourselves of him, and under no circumstances should you lay hands upon him. You will always regret having ordained even one such man; you will never regret having excluded him. Returning to your dioceses, you will tell your faithful that the Holy Father blesses them all with all his heart, and commends himself to their prayers. Each of you, on the feast day that you deem appropriate, may solemnly impart the papal blessing to the people, along with a plenary indulgence for those who receive it.

[*Latin ed. p. 436*]

From the Secretariat of Briefs, confessed and communicated. May this blessing, which I bestow upon you all with a special affection, accompany you during your journey, in the name of the Father, the Son, and the Holy Spirit. PIUS PP. X.

FROM THE SECRETARIAT OF BRIEFS. The National Italian Delegation for Palestine and the Sanctuary of Lourdes is commended, and Italian pilgrimages to these places are enriched with indulgences and privileges. To the beloved son, James Mary, Bishop of Radin, German. PIUS PP. X.

FOR PERPETUAL REMEMBRANCE. Beloved son, greetings and the Apostolic blessing. Our Predecessor Popes, from the earliest times of the Church, have diligently fostered pilgrimages of the faithful to the most important sanctuaries of the Christian world, and especially to the places renowned for the memories of the Passion and life of our Redeemer, enriching them with special and eminent spiritual graces and privileges. Therefore, it has been pleasing and welcome to us the plan you have initiated, to establish a National Italian Delegation for Palestine and the Sanctuary of Lourdes, and to this, without any merit of ours, we have divinely attached the highest authority of the Chair of the Prince of the Apostles, gladly and willingly supporting your endeavors, and adding the strength of the Pontifical blessing and will. It pleases us that the honor of the holy places may be revived among the Italians, and that through their prayers, offerings, and examples, the conversion of those of other faiths may be aided; it pleases us that the Immaculate Virgin may be venerated in the very place of her Apparition, and that the Sanctuary of Lourdes may

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be a source of countless...

[*Latin ed. p. 437*]

Let the faithful gatherings celebrate, who, for Us, for the society, and for the nation, pray for the return of all to Christ; it pleases Us that well-organized and exemplary pilgrimages, both to Palestine and to the Shrine of Lourdes, be undertaken. With great joy of spirit, We have learned this year that another pilgrimage is to be held next month of May to the Shrine of Lourdes, on the most recent days of the feast of the Immaculate Virgin, and another to Palestine in the months of September and October; and We foster, with almost certain hope, that these same pilgrimages will flourish in the number of participants, as well as in the practice of good works, and to you, beloved son, who, with excellent merit, fulfills the office of President of the aforementioned Association, and to all the faithful who undertake these pilgrimages, We impart Our Apostolic blessing, earnestly beseeching the heavenly graces. Furthermore, nothing is more dear to Us than that this so fruitful work may, with God's help, receive greater increases, and We strive to enrich it also with the treasures of spiritual indulgences. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, on the day of departure and return of each pilgrimage, both to Palestine and to the Shrine of Lourdes, and on one other day designated by the director of the pilgrimage itself, We grant, to all the faithful of both sexes, who either make the journey in person, or who, through prayer or other pious works, participate in the pilgrimages in spirit, provided that they receive the Eucharistic food, a plenary indulgence for all their sins, which they may also mercifully apply, in the Lord, for the souls of the Christian faithful who, united with God in charity, have departed from this life, as a form of suffrage. Moreover, We grant the faculty of gaining the indulgences of the Shrines, as stated in *Pandects*, 5th book, Session 5, Vol. XXXVII, paragraph 7, 28.

[*Latin ed. p. 438*]

438 From the Office of Briefs, we grant, with the proper permissions for the region of Lapurd, that even if, due to the excessive number of pilgrims or for another reasonable cause, the Mass is celebrated there under the open sky; and, with the necessary precautions observed, we grant this permission by our Apostolic authority. We grant indulgences for the Stations of the Cross, either on a maritime or land journey, provided that this pious exercise is performed in a group, preceded only by a wooden Cross properly blessed. From the first day of departure to the day of return home, inclusive, we grant to all and each traveling priests the faculty of hearing the sacramental confessions of their fellow pilgrims from any diocese, provided that they themselves are canonically approved to hear confessions, and that due precautions are observed regarding the confessions

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of women. We grant a dispensation from fasting and from the obligation of substantial food throughout the journey, and to remove any scandal, in these pilgrimages, provided that the pilgrims either attend Mass on those days, or dedicate themselves to pious meditation for a quarter of an hour, or recite a third part of the Rosary. Furthermore, especially in pilgrimages to the holy places of Palestine, from the first day of boarding the ship to the very last day of disembarkation, inclusive, we allow the priests (as experience has shown to be appropriate) to exchange the recitation of the Breviary for the recitation of the solid Rosary; and, during the maritime journey, we grant permission for more Masses to be celebrated, at the discretion of the leader, provided that due precautions are taken regarding dignity and safety; and we also grant to the confessors among the priests, designated for this purpose by the leader, the faculty of hearing the confessions of sailors on the ship, and of others who may wish to avail themselves of sacramental confession. And we likewise grant to the faithful, during the voyage, permission to receive the Most Holy Eucharist within the framework of the aforementioned Masses. Furthermore, we grant to all those to whom it applies, at the prudent discretion of the leader, the faculty of reserving the Sacred Sacrament, of distributing Communion with it, and of carrying it in sacred processions, provided that due precautions are observed regarding reverence.

[*Latin ed. p. 439*]

From the Sacred Congregation of Bishops and Regular Canons, concerning the honor and security of these matters: We grant to the moderator the power, in cases of necessity, to administer Extreme Unction either personally or through a priest delegated by him. Notwithstanding the Constitutions and Apostolic Ordinances, and all other contrary things whatsoever. This shall be valid for the present and for all future times. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the seventeenth day of January, 1905, in the second year of Our Pontificate. L. "f.- S. ALOIS. Cardinal MACCHI. ACTA ROM. CONGREGATIONUM. From the Sacred Congregation of Bishops and Regular Canons: Those who have made simple vows must live with those who have made solemn vows, under the exclusive dependence of the Superior of the monastery. Most Blessed Father, the Ordinary Confessor of the Clarisses of Cortona, kneeling at the feet of Your Holiness, humbly explains: By ancient custom, the nuns of St. Clare in the aforementioned city followed the following practice regarding novices, namely: Young women, upon their entrance into the monastery, would spend one year as probationers; upon the completion of which, if nothing hindered, they would be vested in the monastic habit and would immediately begin the Novitiate, in which they would continue for three years; at the end of which, they would wait for another year, residing outside the Novitiate, and then would make their solemn profession. Now, given the obligation

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to make the profession of simple vows before the solemn profession, according to the Decree of the Sacred Congregation of the Religious Orders of May 3, 1902, a doubt has arisen:

[*Latin ed. p. 440*]

From 44-0 of the Sacred Congregation of Bishops and Regular Canons: Having completed the year of the novitiate and having made the simple vows, the novices must remain for the entire three years of the simple vows in the place assigned for the novitiate, and therefore under the direction of the Mistresses; or must they immediately leave the novitiate and reside in the place assigned for the community, and therefore under the common discipline of the professed sisters and under the sole direction of the Superior of the monastery, as the others? And if, for the greater benefit of the novices and for the strengthening of their adherence to the regular discipline, the answer to the second part of the question were negative, the humble petitioner humbly asks: What and how should be done?

The Most Holy Congregation of Eminent and Reverend Cardinals, Prefect of the Affairs and Consultations of Bishops and Regular Canons of the Holy Roman Church, having considered the question, decided to respond as follows: To the first part, negatively; to the second part, affirmatively.

Rome, 12 October 1904.

A. Cardinal Agliardi.

L. ″f*

S. Philippus Giustini, Secretary.

(i) Latin Version:

Most Blessed Father,

The ordinary confessor of the Poor Clares of Cortona, humbly prostrate at your feet, explains as follows:

From ancient custom, the nuns called Poor Clares used to observe this rule regarding novices in Cortona. Indeed, the girls entering the monastery would complete a probationary year, and after that year, if nothing hindered, they would put on the religious habit and immediately begin the three-year novitiate; then, for another year, they would live with the professed nuns, and finally, they would make their solemn vows.

Now, according to the mind of the Decree of the Sacred Congregation of Bishops and Regular Canons of 3 May 1902, the novices must make their simple vows before making their solemn profession.

Therefore, it is asked: After completing the year of the novitiate and having made the simple vows, must the girls remain in the environment and under the discipline of the novitiate, as true novices, or must they live in the community, as other nuns, under the exclusive direction of the Superior of the monastery?

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And if, for the greater strengthening in the practice of discipline, the answer to the second part were negative, the humble petitioner humbly implores, what and how should be done?

And God, etc.

(N. R.).

[*Latin ed. p. 441*]

From the Sacred Congregation of Bishops and Regulars, 441, concerning the Ursulines: The custom of Ursuline nuns entering the cloister of other religious communities for the purpose of attending funerals may be tolerated.

Most Blessed Father,

In the monastery of the Ursuline Sisters, of papal enclosure, located in the town of Cannobio, within the diocese entrusted to my care, there exists the custom that, on the occasion of the funerals of the religious, the chaplain-confessor, with the assistance of other priests, performs the prescribed ritual functions within the monastery.

Since this practice is not in conformity with the established regulations (1), the current chaplain-confessor of the religious recently made just observations regarding this matter. Therefore, for the tranquility of consciences and for the sake of full regularity, I ask Your Eminence whether I may avail myself of the response given by this Sacred Congregation on April 24, 1903, to the Bishop of Zamosc in Spain (2), in order to continue to permit the practice that has been in use up to now, especially since, unlike the diocese of Zamosc, no meals are provided to the priests who participate in the solemn function in the monastery of Cannobio; and for another reason (1).

Regarding the burial of nuns and funeral rites, the Holy Congregation, in Reatina, on March 1, 1577, decreed as follows: "It is not permitted for a confessor to enter the monastery under the pretext of burying the body of a nun, or of performing funeral rites; but this office, if the burial is to take place within the cloister, must be performed by other nuns, or by two workers approved by the Ordinary; and in the case where a nun is to be buried in the exterior church, the nuns must carry the body up to the gate of the cloister."

This decree was confirmed by the same Holy Congregation in Pistoia and Prato, in 1855, but it was added that if there is a custom by which a confessor enters the monastery for funerals, this custom should not be tolerated, "unless with the permission of the Ordinary in each case."

Furthermore, the resolution of the Holy Congregation in Zamora, on April 24, 1903, and also the present decree, state that, where a custom exists, not only the confessor but also other priests are permitted to enter the cloister of the nuns for the purpose of performing funerals; but in both

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cases, the express permission of the Ordinary is absolutely necessary in each instance (2).

Cfr. (N. R.). Acta S. Sedis, vol. 36, p. 203.

[*Latin ed. p. 442*]

From 442. To the Bishops and Regular Canons, concerning a matter that is somewhat troublesome for the Religious: it would be burdensome for the Religious to have the bodies of their deceased sisters carried into the public church annexed to the monastery, both because of the lack of Religious sisters suitable for such a task, and because of the difficulty presented by the only passage, which is narrow and double-curved, that leads from the monastery to the church. Furthermore, should this not be within my power, I humbly beseech Your Eminence, that, as an act of grace, you might grant the Religious of Cannobio permission to continue the aforementioned practice.

(i) The Holy Congregation of Bishops and Regular Canons, entrusted with the affairs and consultations of the Cardinals of the Holy Roman Church, having considered all matters pertaining to the case, decided that the proposed question should be answered as follows: The aforementioned custom can be tolerated. Rome, 12 November 1904. D. Card. FERRATA, Prefect. L. Fr. Philippus Giustini, Secretary.

(t) Latin Version: Most Blessed Father, Pontiff, Greetings. In the monastery of the Sisters of St. Ursula, located in the town of Cannobio, in the diocese entrusted to my care, there exists a custom by which the chaplain-confessor, with the assistance of other priests, performs the prescribed ritual functions within the cloister during the funerals of the Religious. Since this practice is not in conformity with regular discipline, the current chaplain-confessor of the Religious has recently presented just complaints regarding this matter; and therefore, for the sake of the tranquility of consciences, I ask Your Eminence whether I can maintain the response given to the Bishop of Zamora in Spain, from 1903, and thus permit the custom as observed; or, conversely, whether, unlike the diocese of Zamora, priests should not be permitted to participate in the mournful functions in the monastery of Cannobio, and whether no refreshment should be provided to them; and furthermore, whether it would be too burdensome for the Religious to carry the bodies of the deceased sisters into the public church annexed to the monastery, either because of the lack of Religious sisters suitable for such a task, or because of the difficulty of the only passage, which is narrow and double-curved, that leads from the monastery to the church. If this is not within my power, I humbly request that Your Eminence deign to grant the Religious of Cannobio permission

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for the aforementioned practice (N.R.).

[*Latin ed. p. 443*]

From the Sacred Congregation of Bishops and Regular Canons, 443, concerning doubts regarding the admission of Novices to the profession, and their dismissal from the Order.

Most Blessed Father,

In the Constitutions of the Order of the Most Holy Trinity for the Redemption of Captives, chapter 4, paragraph 2, page 6, concerning the approval of Novices, numbers 2 and 3 are read: "In the year of the Novice's approval, he is presented to the Chapter three times, so that it may judge whether, considering his life and conduct, he is worthy to be admitted to the Profession... After four months from the reception, the Novice is presented for the first time to the aforementioned Chapter; the second time after eight months; the third time after ten months. In order for the Novice to be considered approved, he must have the majority of secret votes; if he does not have it, he must immediately be deprived of the habit and dismissed with modesty. But once approved by the Chapter, he shall not be deprived of the habit, except with the consent of the same Chapter; or at least with the consent and agreement of the Minister and the Master, and the General or Provincial."

Until now, this Constitution has been observed as not being contrary to the Decree of Pope Pius IX of January 25, 1848, beginning with the words: "Regarding the Discipline of Regular Canons." Now, however, since a doubt has arisen, the most humble petitioner below asks:

I. Whether the aforementioned Constitution is contrary to the aforementioned Decree? And, if so, to what extent.

II. Whether the consent of the Minister of the Novitiate house and the Master of Novices is sufficient to dismiss Novices from the Order before ten months from the reception of the habit, or whether the consent of the General or Provincial is also required?

The Sacred Congregation of Emminent and Reverend Cardinals, entrusted with the affairs and consultations of Bishops and Regular Canons of the Holy Roman Church, having carefully considered all matters, decided that the proposed doubts should be answered as follows:

[*Latin ed. p. 444*]

444. To the Most Reverend Bishops and Regular Canons. Regarding: Affirmative. Regarding: The observance of the Decree of Regular Discipline of January 25, 1848 (i). Rome, November 26, 1904. D. Card. FERRATA, Prefect. L. 4. S. Philip Giustini, Secretary. (i) According to the aforementioned Decree of the Sacred Congregation concerning the status of Regular Canons, promulgated by Pope Pius IX, which, however, applies only to Italy and its adjacent islands, no novice may be admitted to take vows

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unless a favorable examination by the Provincial and at least three other examiners precedes; furthermore, the dismissal of a novice is valid, not only by the aforementioned three Religious, together with the Provincial, but also solely by the Superior General. Concerning the disposition of the profession, which is relevant to the matter: "III. Two [examiners] having approved, the will of the novice shall be diligently explored to determine whether he is compelled, and with what spirit, having been led to the religious state by the Provincial or by another suitable Religious in the months preceding, or whether he has been seduced, whether he knows what he is doing, whether he acknowledges the obligations of the religious state and the rule: secretly, the Master of Novices shall hear him, as well as the novices, and also Religious who have entered the Order later; then the Convent or House of Novices shall convene, so that the Chapter members, by secret votes, shall declare whether the novice may be admitted to profession. Subsequently, a written report of all the proceedings and their results shall be prepared and signed by hand, but those who have secretly cast their votes shall in no way be subjected to any disadvantage. IV. The Provincial shall communicate this report to at least three Provincial Examiners; and on a designated day, he shall convene the aforementioned Examiners and the Master of Novices, and, after all have taken the oath previously mentioned (namely, to faithfully execute the will of God), the Master of Novices, setting aside all human affections, shall faithfully report on the conduct of the novice during his novitiate, on his freedom, his vocation, and his suitability for the religious state, and shall declare whether, in the Lord, he believes the novice can safely be admitted to profession. If, however, the Master of Novices, due to distance or another legitimate cause, cannot conveniently attend the examination, he shall transmit a written report on the aforementioned matters, and shall confirm it with an oath, and shall sign it by hand. Subsequently, the Provincial and the Examiners shall, by secret votes, determine whether the novice possesses the necessary qualities to be safely admitted to profession, a matter on which their consciences shall be heavily burdened. V. If the novice is approved, the Provincial shall inform the Superior General of all matters; who, after obtaining further information, as he deems necessary, shall either revoke or confirm the approval, as he judges in the Lord; nevertheless..."

[*Latin ed. p. 445*]

From the Sacred Congregation of Bishops and Regular Canons, and from the Order of Saint Benedict: Infirmity existing before profession, which is merely dispositive, is not considered a sufficient cause for dismissal from the Order of those who have made simple vows.

Case in point: A young man named Peter Salmon, after having completed a period of trial and a year of novitiate in the Order of Saint Benedict at the Abbey of Solesmes, made his simple vows in the year

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1899. However, due to a certain infirmity, commonly called neurasthenia, which could degenerate into true dementia, Salmon was not admitted to the taking of solemn vows, and in the year 1901 he was dismissed from the Order. Against this dismissal, he himself appealed to the Most Holy Congregation of Bishops and Regular Canons.

Defense of the dismissal: Salmon contends that the General Council of the Benedictine Order dismissed him solely because of his infirmity, as is evident from a certain letter from the Master of Novices dated February 13, 1902. However, notwithstanding the declarations of the Sacred Congregation concerning the status of Regular Canons, dated June 12, 1858, after the publication of the Constitution *Ad Universalis*, dated February 18, 1862, which applies to all Regular Orders, and which states in Article V: "Although no formal process or judgment is required to determine a dismissal, but it is permissible to proceed with it solely on the basis of the truth of the facts, the profession of a novice may be permitted if he has been rejected by the Provincial Examiners. VI. In those Institutes in which there are no Provincials, the Superiors of the Novitiate House shall take their place for the purpose in question. VII. If the Constitutions and rules of any Order or Institute require anything further for the admission of novices to profession, that must also be observed, provided that it is not contrary to the tenor of this decree." For the purpose of this decree, a novice who has been approved is understood to be eligible for profession if he has obtained at least one vote representing more than half. However, profession made without the proper form is declared illicit, though not invalid, by several decisions of the same Sacred Congregation, and the Superiors incur the penalties stated therein (N.R.).

[*Latin ed. p. 446*]

446 From the Decrees of the Holy See concerning Bishops and Regular Canons, it is nevertheless necessary that Superiors proceed with the utmost charity, prudence, and for just and reasonable causes, removing all human affections, lest their conscience be heavily burdened. However, no one, on account of infirmity arising after the profession of simple vows, can be dismissed. In this case, however, the infirmity is not one that precedes, but follows, the profession of simple vows; and therefore, it cannot be a sufficient reason for dismissal. Thus, the young man dismissed declares that he wishes to live and die always in the Benedictine Order, where he made his profession of simple vows.

Defense of the one who dismissed. On the contrary, the Abbot Primate of the Order of Saint Benedict, in defending the dismissal, maintains that Salmón, even before being received for the postulancy, was already afflicted with some bodily weakness or illness, which is commonly called anemia, and which presented a grave danger of impending dementia. This is indeed true, so that the General Council of the Order, before dismissing

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the aforementioned young man, in order not to be accused of excessive severity, postponed its decision for a long time, awaiting better days; but, despite all efforts, it finally had to decree the dismissal before the solemn profession of vows. Moreover, according to the Abbot, the Declarations of the Holy See concerning the Status of Regular Canons, of June 12, 1858, cannot be invoked in this matter; because they speak of infirmity arising after the profession of simple vows, and not of infirmity contracted beforehand. Rather, the rescript of the Holy Congregation of September 15, 1873, seems applicable here. For, in response to a doubt proposed by the Franciscan Minor Order: "Whether a just and reasonable cause is the same motive that would have been sufficient to prevent a novice from making profession, e.g., a lack of aptitude for performing the duties of the Order, even if minor and relatively common, such as preaching or hearing confessions, or even an inability to fulfill the obligations of one's own state, or if this arises from a lightness of spirit or a defect of judgment, etc., so that, for such reasons, Superiors..."

[*Latin ed. p. 447*]

From the immediately recognized and certainly affirmed pronouncements of the Sacred Congregation of Bishops and Regular Canons, number 447, it was stated that a professed individual, having made simple vows, would rather be a burden and a source of disturbance than a benefit and edification to his own religious order, and that, once having made profession, he could never be dismissed due to any infirmity that might subsequently arise; to this, the response was: "There is nothing to discuss, since the matter is one that has been entrusted to the judgment and conscience of the Superiors by the Apostolic See." This argument holds even more strongly in the case where the matter concerns not only mental weakness, or an inability to perform the duties of the Order, but also uselessness to the Order, and, indeed, true aversion, absolute impotence, and moral and material damage to the community. The Opinion of the Consultant. The conclusion reached by the Abbot aligns with the opinion of the Consultant, whom the Holy Sacred Congregation consulted regarding his vote. Although he admits that the Superiors of the Benedictine Order acted wrongly in admitting the young man Salmón to the novitiate and to simple profession, he nevertheless maintains that they acted rightly in expelling him from the Order. The reason he gives is that the intention of the Holy Congregation in issuing the aforementioned declarations was not to permanently bind to the Order a simple professed individual who could disturb the peace and tranquility of the community due to an infirmity, especially one whose seeds were present beforehand, but rather to prevent the dismissal of a simple professed individual who, either through significant services rendered to the Order, or even, as Divine Providence may arrange, who becomes infirm after having made simple

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vows.

Doubts.

I. Whether a broader interpretation should be given to Article V of the Declarations of June 12, 1858, namely: "No one, however, can be dismissed after making simple vows due to an infirmity that subsequently arises."

II. Whether the decree, by which the young man Salmón was professed, should be interpreted in a broader sense in relation to the Declarations of June 12, 1858.

[*Latin ed. p. 448*]

From document 44B, the Congregation of Bishops and Regular Canons inquired whether a Benedictine monk, having taken simple vows, could be dismissed from the Order, in the case (i) described.

Resolution: And the Holy Congregation of Eastern and Regular Canons, after mature deliberation, on May 13, 1904, gave the following response: To I. The question proposed (2) is not addressed. To II. In this case, infirmity alone is not a sufficient reason for dismissal (1).

(1) In Latin: "A young man, dismissed from the Benedictine Order, is sustained in the case (i)." (2) "Besides the question of fact, Salmón raises another question concerning the interpretation of the Declaration of the Holy See. He argues that the Holy See, in order to avoid future controversies on this matter, should provide a broader interpretation of the cited Declaration."

The Declaration of the Holy See, in Article V, concerning the status of simple vows for Regular Canons, states: "No one, after the day specified, shall be able to be dismissed." On June 12, 1858, however, other reasons were given for dismissal, particularly due to infirmity.

In other words, the aforementioned Abbot wished that the Holy See would define the cases in which infirmities should be considered as an impediment to the simple vows, and when they should not; indeed, he himself proposed establishing a threefold norm regarding the dismissal of those who have taken simple vows: namely: 1°) No one who has taken simple vows shall be dismissed due to an acute illness, such as typhoid fever, pleurisy, cholera, etc. 2°) Illnesses contracted before entering the religious life, even if unknown before taking simple vows, especially hereditary illnesses or those that pose a risk of contagion, can constitute a sufficient reason for dismissal, with the prior agreement of two trustworthy physicians. 3°) Similarly, special nervous disorders, which originate from the habitual life of the community, or which render such a regular life impossible for those who have taken simple vows, can be a reason for dismissal, always with the aforementioned agreement of two physicians.

The Consultor, having been brought into the discussion, seems to favor the opinions of the Primate of the Order, and therefore believes that Article

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V of the aforementioned Declarations should not be interpreted strictly and literally.

Indeed, according to him, the three years of simple vows is a time of probation regarding the regular vocation; therefore, just as certainty of the completion of such probation is not obtained unless it is clearly established that the person is morally and materially suited for the regular life, so too, if it becomes apparent that the person is either morally or materially unsuitable for the regular life, it must be concluded that they can be dismissed.

Furthermore, it is not understood why spiritual infirmities, even those that occur after the taking of simple vows, should be a sufficient reason for dismissing a person who has taken simple vows, while, on the contrary, bodily infirmities, which can permanently render a religious incapable of the regular life, should not be a sufficient reason for dismissal. Nor is it valid to say that "affliction is not for the afflicted."

[*Latin ed. p. 449*]

From S. C. Episcoporum et Regularium 449, I collect the following: I. According to the Decree of the Sacred Congregation concerning the Status of Regular Canons, dated March 19, 1857, and according to the subsequent Constitution of Pope Pius IX, *Ad Universalis Ecclesiae*, dated February 7, 1862, in religious orders of men, before the solemn profession of vows, a simple profession of vows must be made, lasting at least three years, under penalty of the nullity of the very solemn profession. This is so that it may also apply to infirmities of the mind. Furthermore, moral suffering of the professed almost always originates from a bodily ailment. In the aforementioned article V, the Consultors add that this does not apply to chronic diseases that render a religious perpetually incapable of the regular life, but only to acute infirmities that are not long-lasting, which do not render the religious perpetually unfit. Finally, according to the same article, the jurisprudence of the Holy Congregation is as follows, as is evident from the aforementioned response to the doubt proposed by the Brothers Minor. Nevertheless, another Consultor, also asked by the Holy Congregation, expressed a completely opposite opinion, and therefore found no reason why the law established in article V of the aforementioned Declaration should be restricted. Indeed, the law speaks only of an infirmity that arises after the simple profession; therefore, if it existed beforehand, even though it only becomes apparent after the said solemn profession, the Superiors have the power to dismiss such individuals. In this case, this infirmity must have existed in a proximate, not merely a remote, state before the profession, as can be ascertained by the judgment of skilled and trustworthy physicians. Therefore, the question must be limited to infirmities that arise after the simple profession, especially to phthisis and neurasthenia. A religious affected by phthisis does not seem to be able to be dismissed, because one affliction should not be added to another, especially since this affliction

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does not affect the community, and it is probable that the infirmity can be combated through sacrifices and religious penances. Likewise, according to the Consultor, a religious affected by neurasthenia cannot be dismissed after the simple profession. The response of the Holy Congregation to the Brothers Minor is relevant to this matter, because in that case, the matter concerned those who were already professed; in contrast, the response of September 17, 1873, concerns defects of levity, judgment, etc., which already existed. Furthermore, it should be added that in the case of the Brothers Minor, the Superiors retain full freedom of judgment. Moreover, the Consultor observes that the law of article V was enacted directly in favor of the religious afflicted with illness; and favors should be expanded; indeed, the infirm religious may have other reasons for not being granted permission to leave, e.g., because he has no means of support in the world. Finally, even if neurasthenia is incomplete, and the sick religious can perform some of the duties of the community, and causes no disturbance to the Order, then there is no sufficient reason to dismiss him.

[*Latin ed. p. 450*]

From Canon 5 of the Decrees of the Councils of Bishops and Regular Canons, Section 2: A simple profession, introduced for the good of the spiritual community, has been established so that the spirit of the professors may be better tested, and so that their religious vocation may be recognized, before they are admitted to taking solemn vows.

3. Such simple vows are perpetual on the part of the one making them, since they imply a strict obligation to take solemn vows in due time; but on the part of the Order, they can be fulfilled by the dismissal of the professor himself.

4. Such a dismissal cannot be decreed except for just and reasonable causes, the judgment of which has been entrusted to the Holy See by the Superiors of the Order.

5. However, according to the prescription of Article V of the Declarations of the Holy See concerning the Status of Regular Canons, dated June 12, 1858, infirmity, contracted after the simple profession, cannot be a cause for the dismissal of a professor.

6. On the other hand, any infirmity that was formally present in the professor before the profession, even if it only becomes apparent after that same profession, is to be considered a sufficient reason for dismissal.

7. Conversely, if it is clear that the infirmity existed only in disposition, and not in a proximate state, before the profession, it will not be considered a sufficient reason for dismissal.

8. If the infirmity is complete, then the infirm person will either request dismissal himself, or at least consent to it being offered to him. If, however, he wishes to remain in the Order, this would be an extraordinary case,

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in which recourse must be had to the Holy See for a necessary decision. Furthermore, it will be safer to determine what measures the community can take to provide for the infirm person who has been dismissed. Therefore, when such a case arises in which a professor is also infirm, the matter should be brought before the Congregation.

Although the law, as it stands, seems to require that the Superior dismiss the professor, even if he is unwilling, it appears to us that it is advisable to submit the question to the Congregation, so that it may resolve the matter. However, the opinion of the last Consultor, as being more practical and more in accordance with the existing law regarding professors taking simple vows, seems to us to be the one to be adopted (N. R.).

[*Latin ed. p. 451*]

From the Sacred Congregation of the Council, concerning the patronage of churches. An ancient custom exists regarding the provision of a parish with ecclesiastical patronage, without observing the prescribed form of competition. Case in point: In the town commonly known as 6. Elia Fiume Rapido, in the year 1250, the priest Leonard Infante built the church of Santa Maria Nuova, reserving the right of patronage for his nephews and their legitimate male descendants, who were to approve the parish priest elected by the clergy of the same parish, and then to be confirmed by the Abbot of Cassino. However, since the Archpriest of San Blasius opposed the erection of this new parish, because it prejudiced his own parochial rights, in the year 1257, a certain agreement was made, by virtue of which the Archpriest and his clergy were also granted the right to elect the Rector of Santa Maria Nuova. In the 16th century, the Infante family became extinct; the clergy of the parishes of Santa Maria Nuova and San Blasius continued to exercise the right of nominating and presenting a candidate to the Ordinary of Cassino for appointment, subject only to a prior examination of suitability. Matters proceeded in this manner until the year 1888, when the last parish priest died. At that time, the patrons sought to elect a new parish priest according to the customary practice; however, the Abbot opposed the election because the prescribed form of competition, as set forth by the Council of Trent, had not been observed in the provision of parishes with ecclesiastical patronage. In response to this opposition, the clergy of both churches appealed to the Holy Sacred Congregation, which, on August 6, 1888, responded that, for that occasion, the election and appointment should proceed in the usual manner or according to custom, with the reservation, however, of the right to examine the merits of the matter in plenary sessions; as is done today. The rights of the patrons. The clergy of both parishes, either by the founding instrument of the church or

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by subsequent...

[*Latin ed. p. 452*]

452. He endeavors to prove, from the decrees of the Council, or from other documents, that the institution of the Most Holy Virgin was granted for many centuries without any prior examination, and that for three entire centuries it existed even without any probationary examination whatsoever. Therefore, the clergy has in its favor the assistance of an observance that has lasted for more than two hundred years, which creates a presumption of Apostolic approval, according to chapter "Super quibusdam," § "Praeterea," concerning the meaning of words; there, the Glossa states: "Non extat"; Barbosa (De potestate Ep., allegation 93, n. 29); Gratian (Disputationes, forensis, chapter 86), n. fo; the Roman Rota in Oblationes, January 25, 1725, n. 5; the Sacred Congregation in Avenionensis - Capellaniae, September 16, 1780, and in Lauretana - Dispensationis, December 17, 1833. And the clergy believes that this right should be maintained with greater force, because the practice of a prior probationary examination was only introduced after the Council of Trent, conforming to chapter i, §, session 7, concerning Reforms, where the Council, speaking of presentations made by ecclesiastical patrons, expresses itself in this way: "Those who are presented, elected, or nominated by any ecclesiastical persons, even by Nuncios of the Apostolic See, for any ecclesiastical benefices, are not instituted, nor confirmed, nor admitted, even under the pretext of any privilege or custom, even if prescribed from time immemorial, unless they have first been examined by the local Ordinaries and found to be suitable." If this is admitted, the clergy argues, that this text was amended by chapter 18, session 24, concerning Reforms, when the matter concerns specifically curacies subject to ecclesiastical patronage; then, the same clergy invokes the assistance of custom, which, by itself, is capable of abrogating any law, as taught by Benedict XIV (De Synodis dioecesibus, book 12, chapter 8, n. 8). It is not the case that the custom invoked is condemned, first in the aforementioned chapter 18 by the clause "notwithstanding this decree, exemptions, privileges, indulgences, preventions...", and second, by the Bull of Pius IV, *In principis Apostolorum*, which abrogates all customs contrary to the Tridentine law. For...

[*Latin ed. p. 453*]

From the Sacred Congregation of the Council, Decree 4, paragraph 53, it is stated that Reiffenstuel (*Ius can. univ.*, title *De consuetud.*, § 8, no. 186) maintains that this disapproval by the legislator applies only to customs already existing; regarding future customs that may arise after the enactment of the law, only those that are unjust, or not reasonable and legitimately prescribed, will be condemned by the legislator. Indeed, the custom invoked is legitimately prescribed because of the lapse of many

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centuries during which it has endured; it is reasonable, because it does not prevent the Ordinary from ascertaining the present ability and suitability of the candidate, since this is achieved through a prior probationary examination. Furthermore, this method of investigating suitability is admitted in lay patronage and in mixed patronage in the presentation to a benefice, as is cautioned in the cited work, chapter 18, since it is understood that lay patrons are considered less informed than ecclesiastical patrons regarding the moral and intellectual qualities of candidates. Objections of the Abbot. On the other hand, the Ordinary of Cassinensis argues that the aforementioned parish is subject to the law of patronage. It does not seem to be open to doubt that the matter of patronage pertaining to the clergy of both churches is truly ecclesiastical and not lay. Ecclesiastical patronage, as Ferraris states (*Bibliotheca canonica*, v. Iuspatronatus, art. i, no. 12), is also that which, "although founded on lay property, has nevertheless, either from the beginning or later, been transferred by foundation, testament, donation, or any other means, to the Church, or to a chapter or college of regular or secular canons, or to some ecclesiastical person in respect of the Church, dignity, or benefice, cap. unie. § Verum, De iurepat, in 6°". Indeed, it is certain that the local clergy, together with the lay patrons, always elected the parish priest of S. Maria Nova until the 16th century; at that time, with the extinction of the Infante family, lay patronage ceased, or rather, it passed to the clergy, and thus became entirely ecclesiastical. Consequently, the decree of the Council of Trent (Session 24, chapter 18 on Reform, according to which it is to be carried out, *Acta S. Sedis*, Vol. XXXVII, page 7, 29) is clear.

[*Latin ed. p. 454*]

From the Sacred Congregation concerning the vision of the Church regarding patronage: "If, indeed, the parish is subject to ecclesiastical patronage, and the institution pertains to the Bishop, then he, whom the patron judges to be more worthy among those examined, must present him to the Bishop, so that he may be instituted." According to this passage, the judgment concerning who is more worthy among those examined belongs exclusively to the ecclesiastical patron, and not to the examiners, as taught by Benedict XIV (Synodus Dioecesana, ibid., 4, chapter 8, number 7, and Constitution Redditae Nobis, April 16, 1746) and affirmed by the resolution of the Sacred Congregation in Barcelona, 1833; and this judgment, indeed, cannot be rendered unless it is preceded by the prescribed examination by means of a public competition. Nor does it seem possible to maintain a contrary custom, lasting more than a century; for, in order that any custom may prevail over written law, it must always bear the condition of reasonableness, which condition is certainly lacking in the alleged custom. For this practice tends to the detriment of the spiritual welfare of souls; for this reason, the Council of Trent established the law of public

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competition in the collation of parochial benefices, so that more suitable ministers might be appointed. Hence, this custom has been condemned as contrary to the law of public competition in benefices, even in the recent resolution Potentina - Iurium ad 6, of May 21, 1904 (1). Doubt: Whether the law of public competition must be observed in the provision of the parish of Santa Maria Nuova in this case. Resolution: And the same Sacred Congregation, having considered all things on both sides, deigned to respond on July 16, 1904: "Considering the particular circumstances, nothing is to be changed." Conclusion: 1°. From the nature of the foundation of the goods and from the title of possession, the right of patronage is ecclesiastical, or lay, or mixed. (1) Cf. Acta S. Sedis, vol. 35, p. 333.

[*Latin ed. p. 455*]

From S. C. Concilii, 4, 55, 2°. Ecclesiastical patronage arises also through the transfer of a lay or mixed patronage to an ecclesiastical person, whether as a physical or moral entity. 3°. In the case of the patronage of the parish of Saint Mary the New, from the beginning it was mixed, but with the extinction of the Infante family, it became solely ecclesiastical. 4°. In the case of benefices of ecclesiastical patronage without the care of souls, the law of concursus does not apply, but it suffices to have a probationary examination according to the decree of the Council of Trent (Session 8, chapter 13, on Reform). 5°. And conversely, in the case of benefices with the care of souls of ecclesiastical patronage, the form of concursus must be observed, according to the same Council of Trent (Session 24, chapter 18, on Reform); and if the institution pertains to the Bishop, he must be instituted, whom the ecclesiastical patron himself will judge to be the most worthy among those who have been proven suitable by the examiners. 6°. As the Doctors commonly teach, by the Bull of Pius IV, *In Principis Apostolorum*, all customs contrary to the law of the Council of Trent that already existed were abolished, but not those that were to come, which are reasonable and legitimately prescribed. 7°. In the matter of the custom of not requiring concursus, it is considered to be legitimately prescribed due to the course of many centuries, and also reasonable, because the Ordinary can, in the probationary examination, recognize the suitability of the candidate.

ROMAN AND BREDANEN. DOUBTS REGARDING FUNERALS. Concerning the right of burying those who have died elsewhere, and of burying foreigners dying in the city. Doubts. The Bishop of Breda in the Netherlands stated: "In cities where there are several parishes with a common cemetery, the question is sometimes raised as to which church has the right to perform the funeral and burial: 1°. of those who have died elsewhere..."

[*Latin ed. p. 456*]

456. From the Sacred Congregation, concerning those who, having chosen a burial in the same cemetery, are not designated by the deceased as

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the church in which the funeral rites should be performed; 2°. Concerning foreigners who are temporarily residing in a city and die there, without having chosen a burial place, until they can be transferred to the place of their domicile. "It is doubted whether the decree of the Sacred Congregation in Novara, of June 22, 1895, has the force of universal law (i)." Some propose this general rule: "Whenever it is not certain that a burial has been legitimately chosen, neither should the body be taken to the parish of the domicile; the right to bury foreigners who die elsewhere belongs in the episcopal city to the cathedral church, in other cities to the principal church; the right to bury foreigners who are residing in the same city and there reach their end belongs to the parish church within whose boundaries are located the house where they die. In order that an end may be put to this dispute and that a rule for the future may be established, the undersigned humbly presume to beseech Your Holiness to kindly declare, in both cases mentioned above, to whom the right belongs, if it has not been provided for by synodal statutes, or by true and legitimate customs, or by particular church conventions, a) if it concerns an episcopal city, b) if it concerns other cities."

Observations. Regarding the first question, it seems most fitting to hold the opinion of those who attribute the right to bury and perform the funeral rites for foreigners who die elsewhere in a public cemetery to the pastor of the parish, within whose boundaries the death occurred, or where a railway station is located, or where a public cemetery is found, or even through which the funeral procession passes to the cemetery. For the other pastors, even the cathedral, cannot produce any title of jurisdiction over a foreign deceased person in order to claim the burial for themselves, nor can they exercise jurisdiction in a foreign territory, and much less carry the coffin. (i) Cf. Acta S. Sedis, vol. 28, p. 233-239.

[*Latin ed. p. 457*]

From the Sacred Congregation, on the contrary, it can be argued that the right of burial pertains properly to the parish priest of the deceased. Indeed, other parish priests have no jurisdictional right, and they can adduce arguments in their favor, especially in the present case, neither by custom nor by local statutes; whereas, on the other hand, the proper parish priest always retains jurisdiction over his own parishioner, wherever he may be; cf. chapter β, on Burial, in the 6th book. Cf. Acta S. Sedis, vol. 14, p. 353, n. j. Therefore, the Sacred Congregation, on July 28, 1878, when asked: "To whom does the right belong to accompany corpses to the church and burial, even outside the diocese?", responded: "Affirmatively, to the parish priest, and furthermore." Furthermore, Barbosa (De off. et potest. parochi, p. β, c. 26, n. βj), whom almost all authors follow, establishes this general principle: "The right of burial depends greatly on the administration of the sacraments." And indeed, for, according to the Apostle in II Corinthians,

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chapter 1, those who have shared in the sufferings [of others] ought also to share in the consolations. "For," says Innocent III (Decr. III, tit. 28, c. y), "it is contrary to ecclesiastical institution, and utterly foreign to the rule of reason, for anyone to put the sickle into another's harvest." Finally, it seems not unworthy to accept the opinion that, in the case under consideration, the right of funeral and burial is granted to the cathedral church, or, if it does not exist, to the principal church or parish of the town or city, where a public cemetery is located. For, it is certain that no other parish priests have jurisdiction over deceased persons who are not their parishioners, neither by reason of domicile or quasi-domicile, nor by origin, nor by any other title; whereas it is certain that the parish priest acquires a right over the faithful by domicile and quasi-domicile, especially with regard to burial. On the contrary, the cathedral church is considered in law as a universal parish of the entire city and diocese, and it is indeed so considered in the funerals of pilgrims, travelers, vagrants, and newcomers. Barbosa, therefore (De off. et potest. parochi, p. β, c. 26, n. ββ) states: "A traveler, if he dies while on the road, is buried there."

[*Latin ed. p. 458*]

4. Ex 58 S. C. Concilii Tridentini, uti censuit S. C. Cardinalium, quae negotiis Episcoporum et Regularium praepositum sub die 9 Iulii 1592; item S. C. C. in Caven.-Funerum, 7 Februarii 1733, etc., uti ex inferius dicendis magis patebit. Ad rem praesertim pertinet recens decisio S. C. C. in Novarien.-Funerum, 22 Iunii 1895, quae ita se habet: « Quatenus non constet de sepultura legitime electa, nec cadaver ad paroeciam domicilii deferri debeat, ius funerandi spectare ad ecclesiam cathedralem, salvis conventionibus particularibus in casibus ». Cfr. quae ibi observant Acta S. Sedis, vol. 28, p. 239, n. β. Nam utique in nostro casu electum fuit pro sepultura publicum coemeterium, sed non fuit praecise determinata ecclesia tumulans, cum in coemeterio utpote publico ius habeant tumulandi quotquot sunt ecclesiae tumulantes in oppido vel civitate. Hinc dici potest complete non constare adhuc de electa sepultura; et proinde ad tramitem praecitatae resolutionis, primaevum ius cathedralis vel alterius primaevae ecclesiae revixit (1). Neque ullum ius sibi vindicare posse videtur parochus coemeterii, aut stationis ferreae, vel etiam parochus proprius defuncti. Non parochus coemeterii, quia exclusivam in eo iurisdictionem non habet, cum publica coemeteria subrogata sint ecclesiis tumulantibus: non parochus stationis ferreae vel transitus cadaveris, quia ex ingressu cadaveris defuncti in paroeciae limites huius parochus non acquirit iurisdictionem: (1) Nonnulli contra tribuunt haeredibus defuncti facultatem determinandi ecclesiam tumulantem; et hanc proferunt rationem, quia cum defunctus modo incompleto elegerit sepulturam, censetur eo ipso reliquisse complendi electionem ut haeredibus curam sit efficax: quin imo addit Many (De locis sacris, p.

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339) hanc opinionem, quae iam alicubi in usum descendit, esse forsan probabiliorem. At haec doctrina ex nullo iuris canonici textu resultare videtur. Utique ex cap. 13 de testam. electio sepulturae in alterius arbitrium committi potest, uti tenet Card. D'Annibale (Summula, edit. 3, tom. I, p. 40, n. 7) cum aliis auctoribus. Attamen de hac commissione legitime constare sepulturae rigorosam exigat probationem (Ferraris, debet cum electio Bibl. can., n. 203), quae in relato casu haeredum est tantum praesumptiva v. Sepultura, (N. R.).

[*Latin ed. p. 459*]

From the Sacred Congregation, it is not the least that the proper parish priest of the deceased has the right, because when the church where the burial takes place is different from the parish church or from another church within the parish boundaries, the proper parish priest alone has the right to remove and transport the body to the church where the burial takes place, in order to perform the proper funeral rites over the body and to consign the body to the earth, reserving for the proper parish priest a fourth of the funeral emoluments. Moreover, it does not seem possible to insist on articles J, chapter j of the Statutes of the Roman Clergy: "This right pertains also to the parish priest for the funeral of a citizen or a guest who dies in the city and is transferred for burial to another region," or article ij of the same chapter: "The funeral must be celebrated in the parish church, even if the deceased is buried elsewhere," because, as is stated in the aforementioned article 7, this happens "according to the most ancient privilege of the city."

Regarding the other question, it should also be remembered that, according to common law, there is not a unanimous opinion among Doctors regarding the funerals of travelers, strangers, and pilgrims, who, on the one hand, have chosen no particular burial place, and, on the other hand, cannot be brought to their own parish. Some hold that such strangers, travelers, and pilgrims should be buried in the cathedral church. For these pilgrims, who have no domicile or quasi-domicile in the city, and who do not belong to any parish of the city, in order that they may not lack their own minister of the sacraments at the hour of death and in the funeral rites after death, it seems fitting that they should be subject rather to the cathedral church, especially because of its primatial status and preeminence over all other churches of the diocese and the city. Therefore, the Council of Trent (Decree of Gratian, part II, cause Iß, question 2, canon 6) prescribes: "Wherever the circumstances of time or place permit, burials should be celebrated in the greater church, where the seat of the bishop is. But if, because of the difficulties of time or place, this seems difficult, let the deceased be buried where he paid tithes while alive." And coherently, the Sacred Rota, January 27, 1768, assigned bodies to the parish priest, except for vagrants and those

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who are merely passing through.

[*Latin ed. p. 460*]

460 From the Sacred Congregation, concerning matters ceded to the cathedral church. The same Sacred Roman Rota, in Barcelona, concerning parochial rights, on January 13, 1730, attributed to the cathedral church the right to bury the bodies of foreigners, aliens, pilgrims, and others who do not have a fixed domicile. This doctrine is also derived from the document of the case of Urbevetana – Funerals, of August 11, 1894, H. S. C., in which the aforementioned resolutions are cited. Furthermore, the same Sacred Congregation, in a decree concerning Caven – Funerals, of February 7, 1733, regarding a doubt: "Whether the burial of natives of Caven and of foreigners who have not resided there for ten years, nor possess property in that city, pertains to the proper parish priest or to the Chapter," responded: "With regard to travelers, pilgrims, and those who are passing through, it pertains only to the Chapter." In addition, the aforementioned decision of the Sacred Congregation in Novarien – Funerals, of June 22, 1895, attributing the right of burial to the cathedral church for those who do not have a domicile or quasi-domicile, should be considered. This is also the opinion of Barbosa (De officio et potestate parochi, p. 3, c. 26, n. 33); Pignatelli (Consilia Canonica, vol. I, cons. 143, n. 1); Cardinal D'Annibale (Summa Theologica, p. I, n. 112); and Bucceroni (Theologia Moralis, vol. II, p. 423, n. 1130). This is confirmed by reason itself. Indeed, pilgrims and those passing through cannot be said to belong to any particular parish; therefore, the cathedral church, which by primitive right held power throughout the entire diocese, ought to receive them for burial. What has been debated until now in favor of the cathedral church, with necessary modifications, can be extended in favor of the primary church of the place, where a cathedral does not exist. Indeed, the Glossa states that pilgrims ought to be buried near the greater church, just as the aforementioned Council of Triburiense prescribed that burials should be celebrated near the greater church. Similarly, Ferraris (Bibliotheca Canonica, v. Sepultura, n. 38) states that the Pope or a Cardinal, without election, buries the dead outside the city. The second opinion is that pilgrims and travelers ought to be buried in the parochial church to which the place of their passing belongs. This is the opinion of the Sacred Rota before Seraph., December 1133; Riccius, Prax., p. 4, resol. 293. This opinion appears to be more...

[*Latin ed. p. 461*]

From the Sacred Congregation, Council of Trent, 461, Gratian retains (Disputations, Book I, title I, chapter 1, number 13) and Sperellus (Decrees, title 1, number 12 and following); Sylvius (On Burial, number 8); Antonius de Batr. (chapter I, number p, on Burial); the Abbot (in chapter I, on Burial, number f); Molina (Disputations, 216, number 17); Pirhing (Handbook,

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number 8); Sylvester (On Burial, question 8, dict. 2); Van Espen (Part II, section 4, title I, chapter B, number p); Barbosa (On the Office and Power of the Parish Priest, page B, chapter 2B, number 2 and B); Passerini (Questions, 189, article 4, number B13 and B14, on the State of Man), etc. And indeed, at that time, the parish priest of the place has, above all others, the right, both because he administers the sacraments to strangers, as argued in the chapter on celebrating Mass, and because he has a well-founded intention of burying all those who die within the boundaries of his parish, and for all spiritual benefits derived within that parish, as the Abbot rightly notes in the aforementioned place, number 4, arguing in the chapter. Regarding what is done by Prelates, the cathedral church rather makes use of privilege and exception; therefore, the parish priest does not seem to be bound to prove his right, but rather the cathedral church. And this Sacred Congregation, on December 22, 1866, in Reatina-Jurs Associandi Cadaver, while the Chapter of the Cathedral Church was claiming the right to associate the body of a deceased pilgrim who had designated a non-Christian burial in his own country, and the parish priest of the place where the pilgrim had died, with the proposed doubt: "To whom does the right of association belong in this case?", responded: "Affirmatively, in favor of the parish priest of St. Juvenal." The right of association, however, ordinarily, although not always, relates to the right of burying and interring. Thus, as Alberti, in On Burial, page 29, states, commenting on the resolution. Indeed, the same Sacred Congregation, in a Decree of the Congregation of Sacraments and Funerals, March 24, 1888, to the doubt: "Does the parish priest of the cathedral have the right to administer sacraments and perform funeral rites for rural residents who die within the boundaries of the parish of St. Nicholas, without having chosen a burial place?", gave the response: "Negatively." See Acts of the Holy See, volume 21, page 94-98, number 1. Also, very recently, the Sacred Congregation in Urbetavana - Funerum, August 11, 1894, to the doubt: "Does the cathedral church have the right..."

[*Latin ed. p. 462*]

46. From the Sacred Congregation of Councils, in the case of », it was decided: «No». Compare Acta S. Sedis, volume 17, page 482, in the note, and volume 21, pages 220-229, as well as Alberti (loc. cit., page 10). There are some authors who believe that, between the cathedral and the parish, in which travelers and those passing through die, there is a place of preference. Goffredus, in Summa, title on Burial, seems to lean in this direction, as does Petrus de Ubaldis (De Canonica episcopi et parochi, chapter 9, paragraph 4). Finally, there are Doctors who, making a distinction between residents and non-residents, teach that those who, like vagrants, pilgrims, those passing through, and travelers, reside temporarily and unexpectedly in a region, wherever it may happen that they die, should always be buried in the cathedral church; whereas those who reside in a house or in a hos-

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pital, in the event of death, should never be buried in the cathedral, but rather, properly, in the parish in which they reside. Thus Sperellus (Decis. 81, paragraph 14); Savorin (Var. Elucubr. title 2, chapter 1, paragraph 114); Cardinal Petra (volume 2, in Const. IX Innocent III, section 1, paragraph 10); and others, citing the resolution of the Sacred Congregation of Bishops and Regulars in Fulginate, July 3, 1592, which was written to a bishop: «Even in the absence of custom, travelers and pilgrims passing through should be buried in the cathedrals, and others in the parish within whose boundaries they died, if they have resided there for some time.» To this is added the resolution of the Sacred Congregation of Councils in Portuen, and St. Rufina and Centumcellarum, on Burial and emoluments, of June 23, 1832. The same opinion is held by Ferraris (Bibl. can., v. Sepultura, paragraph 22); Mathaeuccius (De off. Cur. eccl., chapter 48, paragraph 12); Schmalzgrueber (volume III, part β, title 2β, paragraph 41); Abbas (chapter 1, on Burial, paragraph 8); Sylvester (v. Sepultura, question 8, dict. 2); Pirhing (volume III, title 28, paragraph 8); Acta S. Sedis, volume 21, page 109, paragraph 1, and volume 28, page 219. Therefore, etc. Resolution. And the Most Reverend Fathers of the Sacred Congregation of Councils, after having considered all matters, gave the following response on August 27, 1904: Regarding I, it pertains to the pastor of the Cathedral, or...

[*Latin ed. p. 463*]

From the Sacred Congregation of Councils, Decree 46, section 3, addressed to the principal church of the locality, with due regard to particular customs and constitutions. Regarding II: The parish priest of the place where the pilgrim spends his life, with due regard to particular customs and constitutions.

I. The proper parish priest, with regard to the right of burial, is that one within whose parish a person has his domicile or quasi-domicile at the time of death (chapter β on Burial, section 6; Clement., c. 2, formerly on Burial; Rit. Rom., title VI, on Funerals); thus, the parish priest of the domicile is said to have a right founded on intention.

2. However, if the deceased is to be buried in another parish due to a family burial ground, hereditary right, or elective choice, then, according to common law, the proper parish priest is not concerned with it, except to take the body and associate it with the church where it is to be buried, and then all other matters pertain to that burying church, after the proper parish priest has received the customary funeral offering.

3. In the case where the burial is to take place in a distant region, so that the prayers for the deceased are not unduly delayed, the parish priest of the domicile, at least ordinarily, performs the proper funeral rites in his own church, and then associates [the deceased] with the burying church. This is prescribed by the Statute of the Roman Clergy, and corresponds to the principles of law (Rota, decree 10, heard before De Cursiis, f. 6; D'Annibale,

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Summ., vol. III, no. 481; Benedict XIV, Noti., 105, no. 48).

4. Today, public cemeteries are almost everywhere substituted for churches for burials, and therefore, the right of burial is exercised in those same cemeteries (Vecchiotti, Inst. can., vol. II, book β, chapter j, § 61, at the end; D'Annibale, loc. cit., note 84; Sacred Congregation, Decrees in Ariminen—Funerum, June 16, 1821, in Foro Livien., January 26, 1833, in Rossanen., October 26, 1862, and November 26, 1864; Acta S. Sedis, vol. I, p. 81 and 124, vol. II, p. 221 and 366, vol. III, p. 23, etc.).

[*Latin ed. p. 464*]

464 From the Sacred Congregation for the Propagation of the Faith, item 5. When a person who is a foreigner dies elsewhere and is to be buried in a common cemetery, first, the synodal constitutions and legitimate local customs must be considered. 6°. However, when no particular customs or constitutions exist in a place, then the right to bury foreigners who have died elsewhere, who have chosen burial in a public cemetery, and who are not buried in a designated church, belongs to the cathedral church, or, in its absence, to the principal church of the place; for both, as a sign of honor and in memory of citizenship, are considered, with respect to foreigners, to be the common parish of the city or town. 7. Furthermore, subject to the particular customs and constitutions of the places, the right to bury foreigners who are temporarily residing (and all the more so for a time that does not constitute a domicile) in a city or town, who do not have a customary, hereditary, or chosen burial, and who cannot be transferred to their place of domicile, belongs to the parish within whose boundaries they die; the reason is because the right to burial is closely linked to the administration of the sacraments. 8°. In this way, among the various resolutions of the various Sacred Congregations, and indeed diverse and even contradictory opinions of Doctors, the Sacred Congregation has authentically taught the true doctrine to be held in this present matter of burial.

"s#fl#": FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. An indulgence is granted to those who recite the following prayer in honor of Saint Paul the Apostle. Most Reverend Father, Monsignor Paolo Terzian, Armenian Bishop of Adana, humbly requests Your Eminence to deign to grant an Indulgence to the following prayer:

[*Latin ed. p. 465*]

From the Sacred Congregation of Propaganda Fide, 465: "O glorious Saint Paul, who, having been a persecutor of the Christian name, became its most zealous Apostle, and who, in order to make the Savior Jesus known to the farthest reaches of the world, joyfully endured imprisonment, floggings, stonings, shipwrecks, and all kinds of persecutions, and who finally shed even the last drop of your blood; obtain for us the grace to receive, as favors of divine mercy, the infirmities, sufferings, and misfortunes of

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this life, so that we may not be hindered in the service of God by these vicissitudes of our exile, but rather, on the contrary, may show ourselves ever more faithful and fervent. Amen."

From the Audience of His Holiness, on the 13th of January, in the year of Our Lord, Pope Pius X, having been informed by the undersigned, Secretary of the Sacred Congregation of Propaganda Fide, after due consideration, has graciously granted to all the Christian faithful of both sexes and of every rite, who devoutly recite the aforementioned prayer in honor of Saint Paul the Apostle, an Indulgence of 300 days, once a day, and also an indulgence applicable for the souls detained in Purgatory, as a form of suffrage. These concessions are valid forever. Contrary decrees notwithstanding.

(i) Latin Version: "Most Blessed Father, Reverend Father Paul Terzian, Bishop of Adana of the Armenians, humbly requests from Your Holiness that you deign to grant an Indulgence to the following prayer: "O glorious Saint Paul, who, having been a persecutor of the Christian name, became the most ardent Apostle, and who, so that the Savior Jesus might be known even to the farthest reaches of the world, you joyfully endured imprisonment, floggings, stonings, shipwrecks, and all kinds of persecutions, and who finally shed even the last drop of your blood; obtain for us the grace to receive, as favors of divine grace, the infirmities, torments, and calamities of this life, so that we may not be detained in the service of God because of such vicissitudes of our exile, but rather, on the contrary, may show ourselves ever more faithful and fervent. Amen." (N.R.)"

[*Latin ed. p. 466*]

From the Sacred Congregation of Rites, 466. Given in Rome, from the offices of the aforementioned Sacred Congregation, on the day and year as stated above. L. S. Anthony Savelli-Spinola, Secretary. The present Decree was transmitted to the office of Indulgences and Sacred Relics of this Sacred Congregation. In witness whereof... Given in Rome, from the Secretariat of the same Sacred Congregation, on the 18th of January, 1905. L. S. Joseph M. Canon Coselli, Substitute.

FROM THE SACRED CONGREGATION OF RITES, JANUARY.

Concerning the recitation or chanting of the Office of the Dead. A question was proposed by the Presidents of the Archiconfraternity of the Blessed Virgin Mary Assumed into Heaven, which was established in the parish of Pra, in the Archdiocese of Ivrea; namely: Whether the ancient custom can continue, whereby the Brothers recite or chant the Office of the Dead on Sundays and other feasts by order, while they are present at the Mass of the day.

The Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and having taken into account the explanations

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and the recommendation of the Most Reverend Ordinary of Ivrea, decided to respond as follows: "It is possible to continue, except on the more solemn feasts throughout the year, namely, those of the first class and the privileged Sundays of the first class." And thus it decreed.

On the 6th of September, 1904.

A. Card. TRIPEPI, Pro-Prefect.

L. S. D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 467*]

From the Sacred Congregation of Rites, 467, Roman or Parisian. Decree concerning the Beatification and Canonization of the Venerable Servant of God, Magdalena Sophia Barat, foundress of the Society of Sisters of the Most Sacred Heart of Jesus.

Present were the Most Reverend Raphael Maria Virili, Bishop titular of Troad, and Postulator for the cause of beatification and canonization of the Venerable Servant of God, Magdalena Sophia Barat, foundress of the Society of Sisters of the Most Sacred Heart of Jesus; and the Most Reverend Cardinal Dominic Ferrata, of the same cause, Promoter or Relator, in the Ordinary Session of the Congregation of Sacred Rites, held at the Vatican on the date indicated, in accordance with the Apostolic regulations promulgated in the years 1878 and 1895. The following question for discussion was proposed:

"Does it appear from the records that the processes concerning the alleged miracles attributed to the aforementioned Venerable Servant of God were conducted with Apostolic authority; that the witnesses were duly and properly examined; and that the testimonies were legitimately obtained, in the case and for the purpose in question?"

And the Sacred Congregation, after diligently considering all matters and having heard the Reverend Father Alexander Verde, Promoter of the Holy Faith, responded in writing:

"Affirmatively, that is, it appears, after correcting the defects in the validity of the processes in the courts of Saint Louis and of Leon, that it is necessary to petition the Most Holy [Pope] for the validation of the acts of the process of Brixen."

On November 8, 1904.

Having related all of the above to His Most Holy Lord, Pope Pius X, through the undersigned Cardinal, Pro-Prefect of the Congregation of Sacred Rites, His Holiness approved the resolution of the aforementioned Sacred Congregation and confirmed it, and graciously granted the requested remedies for the aforementioned defects and the validation of the acts of the process of Brixen, on the 9th day of the same month and year.

A. Card. TRIPEPI, Pro-Prefect.

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L. ″f* S. f″ D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 468*]

468 From the CONGREGATION FOR RITUALS, regarding the reposition of the feasts of the Manifestation of the Immaculate Conception, celebrated by the Sacred Medal, and the Translation of the Relics of St. Vincent de Paul. The Reverend Father Augustine Veneziani, General Procurator of the Congregation of the Missions, explains that the feast of the Manifestation of the Immaculate Virgin Mary, celebrated by the Sacred Medal, which is to be observed on November 27th by the priests of the Congregation itself and by the young women of the Charity, is often hindered by the occurrence of the first Sunday of Advent, which is privileged. Therefore, he requested that the Most Holy Pope Pius X, through supplications and prayers, grant that in such a case, the feast of the Mother of God may be transferred to the following day, as if to its proper place. Furthermore, he requested that the feast of the Translation of the Relics of St. Vincent de Paul, which is fixed on the second Sunday after Easter, may be transferred to the immediately following weekday, whenever that Sunday is hindered. The Sacred Congregation for Rituals, making use of the special faculties granted to it by the same Most Holy Pope, graciously approved the request in all respects, observing the rubrics (1). Notwithstanding any contrary provisions. December 2, 1904. A. Card. TRIPEPI, Pro-Prefect. L. + S. f D. Panici, Archbishop of Laodicea, Secretary. (1) The feast under the title of the Manifestation of the Immaculate Mother of God, celebrated by the Medal, commonly called the ″Miraculous Medal,″ is celebrated each year by the members of the Congregation of the Missions according to the rite of the second class; the feast of the Translation of the Relics of St. Vincent de Paul is celebrated according to the rite of the first class. By the present Decree, it is granted that, in the case of the impediment mentioned, these feasts may be transferred to the immediately preceding day, and therefore (N.R.) only to the following day, as if to make room for more important feasts that occur on that day.

[*Latin ed. p. 469*]

From the Sacred Congregation of Rites, 469, MONTESPESSULANUS, Decree concerning the Beatification and Canonization of the Venerable Servant of God, Andrew Soulas, priest and missionary, founder of the Congregation of Sisters of Our Lady for the Assistance of the Sick. The Apostle Paul, inspired by the divine Spirit and inflamed by the love of Christ, deeply felt this, exclaiming: ″The love of Christ urges us.″ This was marvelously experienced by just and holy priests who, diligently engaged in sacred missions to defend and propagate the Catholic faith, proved to be a blessing for the salvation of souls and the good of bodies, as well as for the benefit of Orders and Congregations. Among these, the Servant of God,

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Andrew Soulas, priest and missionary, and founder of the Sisters of Our Lady for the Assistance of the Sick, deserves to be honored. He was born on February 25, 1808, in the town of Viols-le-Fort, in the diocese of Montespessulanus, from parents, Anthony and Mary Caizergues, endowed with virtue, and from his earliest years, he embraced piety with great joy. The boy did not indulge in childish pleasures, but prepared his mind and body to endure hardships and difficulties. He frequented the house of God, and he refreshed the poor, especially the poor, with food and clothing, and he found delight in God in all things. From this time, the first signs of his ecclesiastical vocation appeared, which increased when he first approached the sacred altar, and he was strengthened by the sacrament of confirmation. He diligently and carefully learned the elements of literature at the school in the town. With God's favor, he was enrolled among the students of the minor seminary, where he earned the esteem of both his classmates and his teachers. Having completed his literary studies, he advanced to higher studies and entered the major seminary, where he made further progress in virtue and doctrine. It is worth remembering that when it was his turn, according to custom, to give a speech at lunch, he spoke with such force and feeling about the eternal punishment prepared for the wicked and the impious, that his classmates, teachers, and even the president, *Acta S. Sedis*, Vol. XXXVII, p. 7.

[*Latin ed. p. 470*]

After the meal, overcome with emotion, tears flowed forth; thus, it was understood that the Servant of God was to be dedicated to sacred missions, to the great spiritual benefit of the people. Meanwhile, he was entrusted with various duties: first, as a catechist for children in the principal church of the city; then, as a preacher in a pious house established to comfort mothers; and finally, as prefect during the major feasts, to summon, direct, and encourage the students in their studies. He diligently fulfilled these duties of charity, which he accepted with obedience. Having received the clerical tonsure and having already been promoted to the minor orders and the subdiaconate, on March 17, 1835, he was ordained a deacon in Carcassonne; and in the same year, on June 9, he was raised to the priesthood, offering the sacred Mass for the first time in Nemausus. This was a great incentive for his virtue, by which he endeavored, although with difficulty, to propose and imitate examples of excellence. When the diocesan bishop saw that the Servant of God was inclined towards sacred expeditions among foreigners, so that at least for a time he might enjoy the services of such a worthy priest for the benefit of his flock, he first appointed him as a parish priest in the town of Salvetat, and then as a member of the cathedral chapter of Montespuls. The Prefect, serving in the infirmary of the same city, greatly benefited the sick through his counsel and work. Appointed by the bishop to the diocesan missionary group of priests, which had existed since 1822,

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he traversed the places of his diocese repeatedly, at the behest of his diocesan prelate. Concerned for the glory of God and the salvation of souls, he never spared himself; indeed, at the request of bishops, he extended the scope of his charity even beyond the boundaries of his own diocese. Citizens and foreigners alike flocked in large numbers to hear the Servant of God, and, renewed in spirit, they demonstrated signs of outstanding piety. Recognizing the dangers to which women are exposed in losing their eternal salvation, Andreas devised a remedy, gathering them into a sodality to care for the sick. He revealed his plan to the bishop, who, after deliberation and prayer, approved of the matter and established a new Institute.

[*Latin ed. p. 471*]

Protected by special regulations of the Sacred Congregation of Rites, number 47, section 1, in the year 1845, it was confirmed by its authority. Two novices, and the most pious Virgin Virginia Montagnol de Cavillac, with Andrea as their director, were the beginnings of that association, which, like a mustard seed growing into a tree, today is called the Congregation of Sisters of Our Lady, dedicated to assisting the sick. However, although this association was primarily established for the spiritual growth of the sisters and for the good of the sick, with the consent of the Founder and the approval of the Bishop, it extended itself to other pious works. In addition to the girls who, orphaned of their parents, are educated in religion and in agricultural arts, and the infants and sucklings who are sustained with maternal care, the adoration of the Most Holy Eucharist is perpetually performed, and the ineffable mystery of Christ's love is constantly remembered and fostered. Andrea, being one of the survivors from the diocesan group of missionaries, rather than establishing a new association, decided to restore the old one; and, with the approval of the Bishop, he began and successfully completed the work under the auspices of the Most Holy Sacrament, and with the support of the citizens who never ceased to praise the Servant of God and the Missionaries, especially during the time of the raging Asian plague, as heroes of Christian charity. In the year 1857, on April 23rd, the chapel which the Servant of God had built for the perpetual adoration of the Most Holy Eucharist, was prepared with sacred ceremonies, and he addressed those present with words full of emotion and tears. On the following day, the 25th, he celebrated the Holy Mass, prolonging it beyond the usual time, as if saying a final farewell to the chapel, the altar, and the people. The day after that, just before evening, as he was leaving the church, feeling that the end of his pilgrimage was approaching, being afflicted by a deadly illness, he was seen to go towards his homeland with an unusual joy. During his brief illness, he continued to care for the sisters and the missionaries, and strengthened their hearts in faith, virtue, and love for the heavenly homeland. Finally, two days before the end of his life, after having made

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a full confession of all that had preceded, he was refreshed with the most holy Viaticum.

[*Latin ed. p. 472*]

Having been anointed with the sacred oil by the Sacred Congregation, and with mind and mouth repeating the last words of God and of man, he peacefully completed his earthly journey on the fourth day of May. The fame of sanctity, which Andrew had earned through his virtues and apostolic labors, flourished and increased daily after his death, so that an Ordinary Inquiry was instituted in the ecclesiastical court of Montespessulano in the years 1837 and 1838. Transferred to Rome and presented to the Congregation of Sacred Rites, with dispensation obtained, on the tenth of August of the following year, 1904, after the lapse of nearly a century, and with the intervention and vote of the Consultors, at the urging of the Most Reverend Lord Alberto Battandier, Apostolic Protonotary and Promoter of this Cause, and with the diligent letters of several Most Reverend Prelates, under the presidency of the Most Reverend Lord Francisco Maria Anatolio De Cabrières, Bishop of Montespessulano, as well as of men of ecclesiastical or civil distinction, together with the Superior General of the Congregation of Sisters of Our Lady for the Assistance of the Sick, and the Eminent and Most Reverend Cardinal Franciscus Desideratus Mathieu, Promoter or Relator of this Cause, in the Ordinary Assemblies of the Sacred Congregation of Rites held at the Vatican, the following question was proposed for discussion: "Whether a Commission should be appointed for the introduction of the cause of the aforementioned Servant of God, in the case and for the purpose in question." Furthermore, the Eminent and Most Reverend Fathers entrusted with the preservation of the Sacred Rites, after the report of the Eminent Cardinal Promoter, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, considered it advisable to respond: "Affirmatively, or that a Commission should be appointed, if it pleases the Most Holy." On November 29, 1904. Subsequently, a report was made to the Most Holy Lord Pope Pius X by the undersigned Cardinal, Pro-Prefect of the Congregation of Sacred Rites, and His Holiness, considering the judgment of the aforementioned Sacred Congregation to be ratified, decreed:

[*Latin ed. p. 473*]

473 From the Sacred Congregation of Rites, a decree was issued, dated December 14th of the same year, concerning the introduction of the cause for the beatification and canonization of the Venerable Servant of God, Andrew Soulas, priest and missionary, and founder of the Sisters of Our Lady for the Assistance of the Sick. A. Card. TRIPEPI, Pro-Prefect. L. 4. S. f D. Panici, Archbishop of Laodicea, Secretary.

CONGREGATION OF THE ORDER OF SAINT BENEDICT, AUSTRIAN

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PROVINCE: The feast day of the titular saint of the abbatial church cannot be celebrated in parishes incorporated into the monastery (i).

Reverend Father Willibald Hauthaler, Abbot of the Monastery of Saint Peter in Salzburg, of the Congregation of Saint Joseph (i).

According to the general decree of the Sacred Congregation of Rites, of July 9, 1895, no. 3863, ad II, the feast day of the titular saint of a particular church must be celebrated "by all the clergy who belong to that church, either by reason of a benefice or by reason of subordination"; it is also to be remembered that the feast day of the titular saint of the cathedral church is to be celebrated "by the entire clergy of the entire diocese," whether secular or regular. However, the titular saint of the cathedral church enjoys this privilege by reason of its primacy, since the cathedral church has precedence over all other churches in the diocese. But the abbatial church, as such, cannot claim any right or primacy over other churches, even though abbeys are monasteries incorporated and entrusted to the care of the same religious order. Furthermore, according to the decrees of the Sacred Roman Congregation in Rome, of July 12, 1892, no. 0780 ad III, and in Catania, of September 13, 1704, no. 2144 ad 5, it is not permitted to celebrate the feast day of the titular saint of a parish church, even if it is a mother church, in churches or chapels subject to it.

Regarding the votive Masses or commemorations of the Saints, the General Rubrics of the Roman Breviary (Title 35, no. 1) prescribe that in the Lauds and Vespers, on the days indicated in the Rubric, "a commemoration of the patron or titular saint of the church" must be added, namely, the particular one. This commemoration, according to the decree of the General Sacred Congregation of June 27, 1899, no. 4°43, must be performed "by any cleric, whether secular or regular, who is canonically attached to the service of any church." The votive Mass of the titular saint itself can only be celebrated in the cathedral, and not in other churches of the diocese, as stated in the decree of the Sacred Congregation of Rites in Pernambuco, of September 4, 1745, no. 2388 ad quod fortiori, and this should apply even more strongly to the votive Mass of the titular saint of an abbatial church (N. R.).

[*Latin ed. p. 474*]

From the Sacred Congregation of Rites, 474, concerning the Order of Saint Benedict: In order that all things may be performed properly in the Divine Office, the following questions were humbly proposed to the Sacred Congregation of Rites for resolution: I. Whether the feast of the titular saint of an abbey church should be celebrated with a double rite of the First Class, with an Octave, in churches incorporated into the monastery, besides the titular feast of the parish church, since the monks, as pastors, exercise care for souls there? II. Whether, in the Divine Office, besides the suffrage for the titular saint of the parish church, the suffrage for the titular saint of the

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abbey church should also be recited in such a case? And the same Sacred Congregation, after considering the report of the undersigned Secretary, the unanimous opinion of the Liturgical Commission, and all things diligently, decided that an answer should be given: In the negative to both questions. And thus it responded. On January 26, 1905. Cardinal TRIPEPI, Pro-Prefect. L.S. f D. Panici, Archbishop of Laodicea, Secretary. Ratisbon. Concerning the conformity of the Holy Mass with the proper calendar of the church. In the diocese of Ratisbon, there exist churches, both parish and dependent, and also those frequently visited by the faithful for the purpose of pilgrimage, which, although they have not passed into the possession of Regular clergy and are not at all exempt from the jurisdiction of the Ordinary, have nevertheless been granted to Regular priests by the Bishop for a time, so that these may perform sacred functions therein and, by the preaching of the divine word and the administration of the sacraments, provide for the care of the faithful by their office. Hence, the following was requested of the Sacred Congregation of Rites: Whether, in the aforementioned churches, the Bishop and the parish priest...

[*Latin ed. p. 475*]

From S. C. 475: Concerning the parish, its secular priest, and the beneficed priest canonically attached to the church for the benefit of the church, are they obligated to conform to the directory of the Regular clergy when celebrating Mass? And the Sacred Congregation of Rites, after hearing the opinion of the Commission on Liturgy, based on the report of the undersigned Secretary, and after mature deliberation, decided that the answer should be: Affirmative, according to Decrees No. 3862 of the City and the World, of December 9, 1895, and No. 4051 of the City, of December 15, 1899, concerning II (i). And thus it wrote and declared. January 27, 1905. A. Card. TRIPEPI, Pro-Prefect. L. S. D. Panici, Archbishop of Laodicea, Secretary. (i) Cf. Acta S. Sedis, vol. 28, p. 438. The Decree of the City of December 15, 1899, is of the following tenor: "Certain Rectors of churches humbly requested a solution from the Sacred Congregation of Rites regarding the following doubts: I. Whether, in collegiate churches, the sprinkling of holy water is to be performed before the Conventual Mass celebrated on Sundays, whether with a Deacon and Subdeacon, or without sacred ministers? And whether, in non-collegiate churches, the same sprinkling can at least be performed on those days? II. In those churches, do religious families entrusted to celebrants observe the calendar of the same priests, even if they belong to the family? III. Is the same to be said of churches that are not entrusted to a religious family, but only to a private person, even if belonging to the same family? IV. Whether the Offices can be recited freely within any Octave in which they occur? And the Sacred Congregation of Rites, after mature deliberation and having heard the vote of the Commission on Liturgy, decided that

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the following should be written: To I: Affirmative. To II: Affirmative. To III: Negative. To IV: Negative. For both parts. And thus it wrote and ordered that it be observed. December 15, 1899. The reason for today's decision is easily understood; for, according to the aforementioned decrees, in the celebration of Mass, the calendar of the church in which it is celebrated should generally be followed. However, in the case of a church entrusted to a bishop, it does not matter...

[*Latin ed. p. 476*]

47 From the Sacred Congregation of Rites, COMPOSTELLANA, concerning the custom of transferring the feast of the Most Holy Body of Christ. His Eminence and Reverend Lord Cardinal Joseph Maria Martin de Herrera y de la Iglesia, Archbishop of Compostela, reverently presented the following to the Sacred Congregation of Rites: In many parishes of the Archdiocese of Saint James of Compostela, by ancient custom, the feast of the Most Holy Body of Christ is not celebrated on its proper day, but on another day, even on a weekday, which is often the day after the feast of the patron saint, or after another local solemnity. On these days, more priests are present, and the parishioners, especially the poor, incur fewer expenses. Therefore, the same eminent man inquired: Whether such a custom can continue. And the Sacred Congregation of Rites, after hearing the report of the undersigned Secretary, and also the opinion of the Liturgical Commission, having considered the proposed question, responded as follows: Negatively, if the feast is understood as the Office with Mass according to the proper rite, with the Octave; Affirmatively, if the feast is considered merely an external solemnity with a single solemn or chanted Mass, and a procession with the Most Holy Eucharist (i), according to the Indult granted by the Most Holy Pope Pius IX, for a limited time, to Religious Families who use the same proper calendar; hence, the monastic calendar becomes also the proper calendar of the churches. Therefore, all priests of both orders, who come to these churches, are obliged to conform to the calendar of the Religious; except on days on which private votive Masses are permitted according to the rubrics (i). However, even (N.R.), without an Apostolic Indult, the procession of the Most Holy Sacrament, which cannot be held in smaller churches on the day of, or during the Octave of, the Body of Christ, due to a lack of ministers, may be held on one of the following Sundays, as the local Ordinary may deem fitting, after the celebration of the Mass of the day, with the commemoration of the Most Holy Sacrament. Indeed, in Lisbon, n. 2402, on May 8, 1749, concerning the question: "Whether, in smaller parochial and filial churches, in which there is not a sufficient number of ministers and ornaments, it is permissible to celebrate the feast of the Most Holy Body of Christ on its proper day, or on

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a Sunday within the Octave..."

[*Latin ed. p. 477*]

From the Sacred Congregation of Rites: To all particular churches of the Archdiocese of Compostela, permission was granted by decree of the Sacred Roman Congregation on July 25, 1861. And thus it was written, on February 3, 1905. By A. Card. TRIPEPI, Pro-Prefect. L. +J* S. f D. Panici, Archbishop of Laodicea, Secretary. OF THE ORDER OF SAINT BENEDICT Concerning the celebration of the Mass according to the calendar proper to the church. The Ceremonial Master of the monastery of the Order of Saint Benedict at Saint Stephen, in Augsburg, Bavaria, in order that all may be done properly, humbly requested a solution to the following question from the Sacred Congregation of Rites, with the consent of his Reverend Abbot: "In the church of Saint Stephen, where a procession can be celebrated with due solemnity before the erection of the monastery, can this be done on any Sunday after the Octave of the same feast, with the Mass of the day and the commemoration of the Most Holy Sacrament?" The Sacred Congregation of Rites judged it fitting to respond: "If the procession of the Most Holy Sacrament cannot be held on its proper day or during the Octave thereof with the due solemnity, the Bishop shall, according to his own judgment and prudence, designate for each church one of the following Sundays, on which, with the celebration of the Mass with the commemoration of the Most Holy Sacrament, the procession may be carried out according to the prescribed norm of the Rubrics." But if the procession of the Body of Christ is carried out outside the Octave, the Mass must be of the Sunday or feast of the double rank occurring, with the commemoration of the Most Holy Sacrament after the prescribed prayers, unless a special Indult is present. As was inquired in Angelopolis, on September 11, 1847, no. 2951 II: "Whether, in smaller churches, where the feast of the Most Holy Body of Christ is celebrated outside the Octave, the Mass must be of the feast occurring with the commemoration of the Most Holy Sacrament; or whether the Mass may be of the day within the Octave of the Most Holy Body of Christ, with a single Prayer, Gloria, Creed, and Preface of the Nativity?" The Sacred Congregation of Rites responded, with established precedent: "Of the feast occurring; cf. also the resolution of the Holy Congregation in Fanen., December 6, 1653, no. 954, as well as in Bracharen., September 10, 1796, no. 2552 ad 4. But if the procession is held on a day on which a private votive Mass is permitted, then the votive Mass of the Most Holy Sacrament may be sung, without the Gloria, Creed, and at least with three Prayers (N. R.)."

[*Latin ed. p. 478*]

4.7. From the Sacred Congregation of the Council, it was determined that the parish church, by a pious disposition and foundation of the last pas-

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tor, a secular priest who is also the beneficiary of the neighboring church of Saint Gall, is obligated to celebrate Mass, to receive the confessions of the faithful, and to perform other sacred functions. However, since the church of Saint Stephen came legally into the possession of the monastery some years ago, the question arises: Must the aforementioned beneficiary priest follow the diocesan calendar in celebrating the Holy Sacrifice of the Mass, or must he follow the calendar of the monastery? And the Sacred Congregation itself, after considering the report of the undersigned Secretary, along with the detailed information from the Most Reverend Bishop of Augsburg and the opinion of the Liturgical Commission, decided that the proposed question should be answered as follows: Negatively to the first part; affirmatively to the second, according to Decrees No. 3862 of the City and the World, December 9, 1895, No. 4051 of the City, December 15, 1899, section II, and of Regensburg, January 27, 1905 (i). And thus it was written: On February 3, 1905. A. Cardinal TRIPEPI, Pro-Prefect. L. ″f* S. f D. Panici, Archbishop of Laodicea, Secretary. FROM THE SACRED CONGREGATION OF THE COUNCIL, DECREE CONCERNING THE ERECTION OF A CHURCH TO THE DIGNITY OF A MINOR BASILICA. The cathedral church of the Blessed Virgin Mary of the Garden at Clavara is raised to the dignity of a minor basilica. Among the temples dedicated to the august Mother of God in Liguria, that which exists at Clavara, the Blessed Virgin, is certainly worthy of mention. Cf. Acta S. Sedis, vol. 28, p. 438; and vol. 37, p. 474, with a note. The reason for the decision is entirely the same as that which we insert in the note of the aforementioned Decree of Regensburg. (N. R.).

[*Latin ed. p. 479*]

From the Sacred Congregation of Councils, Decree 479, known as ″Horto.″ To commemorate a certain aspect of the history of this temple, its origins must be traced back to the end of the fifteenth century, specifically to the year 1493, when, due to a devastating outbreak of the plague, a pious woman from Clavaris, who had earnestly implored the help of the Blessed Virgin in such a great distress, arranged for the painting of her image on the wall of a garden, located near a public road. The piety of the faithful towards this image, especially in the year 1628, manifested itself in a particular way. For it happened that in that year, the plague again ravaged the city, and the people of Clavaris flocked to the image of the Mother of God of the Garden, and with fervent piety, implored the patronage of the most benign Mother at the altar dedicated to her. Then, moved by the fame of the benefits received from God, through the intercession of the Blessed Virgin of the Garden, the faithful frequented her more and more daily, and a small chapel was established in her honor, which, with the addition of new structures, soon grew into a rather large temple. Present at the prayers were the heavenly patrons, so that, as the glory of the

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Mother of God of the Garden increased day by day, in the year 1645, the presidents of the city of Clavaris and the magistrates of the neighboring territories, with the applause of all, chose her as the heavenly patroness of the city and of the entire region of Clavaris, and the Vatican Chapter decreed that the sacred image should be presented with a golden crown. In more recent times, the temple of the Mother of God of the Garden has been almost completely renovated with new construction projects, so that, indeed, its size and magnificence of decoration can rightly be compared to the most important temples in Italy dedicated to the honor of the Mother of God. Among the skilled artisans who competed to ennoble the sacred edifice with their labors, Baratta and Pucci are certainly worthy of mention, the former having painted the chambers of the presbytery and the apse, and the latter those located on the sides of the cells. The facade of the temple has also been restored from its foundations, and, with a fortunate renovation, has been added to the sacred building.

[*Latin ed. p. 480*]

48° From the decree of the Consistory of Clavarejo, which states that, in the year 1835, with the help of the Virgin Mary, the inhabitants of Clavarejo were preserved unharmed from the pestilential disease; the facade is the work of the renowned Roman architect Poletti, and it was constructed with more than two hundred thousand bricks, donated by the people of Clavarejo. Furthermore, the splendor and magnificence of this temple have been happily increased in our time, thereby greatly enhancing its nobility and dignity. Indeed, in the year 1892, the temple of the Virgin Mary of the Garden was, by Apostolic Letters dated December 3rd, elevated to the rank of a cathedral, establishing the newly erected diocese of Clavarejo under the patronage of the Roman Pontiffs, beginning with Pope Leo XIII. Moreover, the devotion of the citizens of Clavarejo and of other neighboring cities to the Virgin Mary of the Garden has not diminished with the passage of time, as is clearly demonstrated by the fact that nearly fifty thousand faithful attend Mass in the sacred temple each year, and that approximately five thousand Masses are celebrated there. Furthermore, numerous temples have been erected in honor of the Virgin Mary of the Garden, both in various cities of Italy and in South America, as well as in Palestine, through the efforts of religious congregations that bear the title of the Daughters of the Virgin Mary of the Garden. Therefore, when the Most Reverend Father Fortunatus Vinelli, Bishop of Clavarejo, seized the opportunity of the approaching fiftieth anniversary of the solemn declaration of the Immaculate Conception of the Divine Mother, and, having presented the aforementioned facts, humbly offered prayers in his own name and in the name of the Cathedral Chapter to His Holiness Pope Pius X, requesting that, in memory of this blessed event, with which the entire Christian world rejoices, he would grant the aforementioned

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temple of the Virgin Mary of the Garden, which had previously been elevated to the dignity of a cathedral by his predecessor, the title of a minor basilica, the same Most Holy Father, with me, who am entrusted with the affairs of the Sacred Congregation for the Consistory, having carefully considered all matters, and after due deliberation,

[*Latin ed. p. 481*]

From the Sacred Congregation of Councils, number 481, having explained that the piety of the people of Clavary towards their heavenly Patroness may be fostered ever more, it seemed fitting to the Bishop of Clavary to favorably approve of the aforementioned petitions. Wherefore, that what is good, auspicious, and blessed may be for the glory of God and for the honor of the Most Blessed Virgin Mary, His Holiness decreed that all and each of those for whom this decree is favorable, from any excommunication and interdict, and from all other ecclesiastical censures, sentences, and penalties, in any way or for any reason imposed by law or by men, if they have incurred such, be absolved, and are to be considered absolved, solely for the sake of this matter; and, exercising the fullness of Apostolic power, he erected and instituted the aforementioned church of the Blessed Virgin Mary of the Garden of Clavary as a minor Basilica, so that it may henceforth be called and be a minor Basilica perpetually, with all and each of the honors, privileges, rights, prerogatives, and graces with which other minor Basilicas enjoy, possess, and delight; notwithstanding those who may act to the contrary. Furthermore, he commanded that this Consistorial decree be published concerning these matters, with the same validity as if the aforementioned Apostolic Letters had been issued in the form of a Brief, and he wished that the execution of this be entrusted to the aforementioned Bishop of Clavary, and he ordered that the decree itself be recorded among the acts of this Sacred Congregation of Councils. Given in Rome, this 27th day of November, in the year of Our Lord 1904. For the Most Reverend and Reverend Secretary, [signature] L. ”f S. IULIUS GRAZIOLI, Substitute.

[*Latin ed. p. 482*]

482 From the Sacred Congregation of Indulgences. FROM THE SACRED CONGREGATION OF INDULGENCES AND HOLY RELICS. The Indulgence, granted for the prayer to the Most Blessed Virgin, Immaculate, on the occasion of that Jubilee, may perpetually be of benefit. Most Blessed Father, The President of the Pious Work of St. Francis de Sales, canonically established in Paris, prostrating himself before Your Holy Feet, humbly implores that the Indulgence of three hundred days, granted by Your Holiness on September 8, 1903 (1), for the prayer to the Most Blessed Virgin, Immaculate, composed by Your Holiness himself on the occasion of the aforementioned Jubilee, which has now concluded, may continue to be

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earned in the future, by removing from the aforementioned prayer the words that allude to said Jubilee, in the following manner: "Most Holy Virgin, who pleased the Lord, and became His Mother, immaculate in body and spirit, in faith and in love, deign to regard with kindness those who implore your powerful patronage. The wicked serpent, against whom the first curse was hurled, unfortunately continues to fight and ensnare the poor children of Eve. Deign, O blessed Mother, our Mother, our Queen and Advocate, who from the very first moment of your conception, crushed the head of the enemy, to receive the prayers that, united with you in one heart, we implore you to present to the throne of God, that we may never yield to the snares that are laid for us, so that all may arrive at the port of salvation; and that amidst so many dangers, the Church and Christian society may once again sing the hymn of liberation, of victory, and of peace. So be it." (1) Cf. Acta S. Sedis, vol. 36, p. 66 or 68, where the same prayer in honor of the Most Blessed Virgin, Immaculate, is found, both in Italian and in Latin, with certain words omitted that allude to the aforementioned Jubilee, which has now concluded. Furthermore, the Indulgence of three hundred days, to be earned once a day, is also extended to the souls suffering in Purgatory (N.R.).

[*Latin ed. p. 483*]

From the Sacred Congregation of Indulgences, § 4, 83: Furthermore, a petition is presented that this Indulgence be applicable also to the souls in Purgatory. Moreover, His Most Holy Lordship Pope Pius X, in an audience held on January 2, 1905, with the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, graciously granted the requested favor in all respects. This present decree is valid perpetually, without any further briefs being required, notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on January 2, 1905.

A. Card. TRIPEPI, Prefect.

L. "f S. Joseph M. Can. Coselli, Substitute.

An Indulgence is granted to those who recite the following prayer: "My God, make the unity of spirits in truth, and the union of hearts in charity" (1).

From the Audience of May 24, 1904. His Most Holy Lordship Pope Pius X grants an Indulgence of three hundred days, to be gained once a month, to those who devoutly recite the aforementioned prayer.

L. "f S. Vincentius Card. Ep. Praenestinus.

This present Decree was presented to this Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc.

Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on January 21, 1905.

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L. ”f S. f D. Panici, Archbishop of Laodicea, Secretary.

(1) In Latin: ”Deus meus, cordium in caritate, fac unitatem spirituum in veritate et unionem.”

[*Latin ed. p. 484*]

484 *Diarium Curiae Romanae*

DIARIUM CURIAE ROMANAE Die 5 Decembris 1904, Sanctitas Sua in Aula Consistoriali Palatii Apostolici Vaticani habuit Consistorium semipublicum, praeparatorium ad solemnem Canonizationem. Interfuerunt Emi Cardinales, Patriarchae, Archiepiscopi et Episcopi praesentes in Curia, qui de voto rogati circa Canonizationem Beatissimorum Alexandri Sauli et Gerardi Maiella unanimiter responderunt: « Placet ob rationes a me in voto scripto et subscripto allatas ». Die 11 eiusdem mensis et anni, Pius PP. X in Basilica Vaticana solemnem Canonizationem praedictorum Beatorum egit; Dominicis insequentibus, diebus nempe 18 et 27 Decembris 1904, necnon diebus 1, 8 et 15 Ianuarii 1905, processit ad respectivam Beatificationem Venerabilium Gasparis del Bufalo, Stephani Bellesini, Agathangeli et Cassiani, Ioannis B. Vianney, atque Marci Crisini et Sociorum eius.

Pius PP. X Litteris Secretariae Status:

1. Eminenti et Reuerendissimo Cardinale Casimiro Gennari adsignavit in Protectorem Sororum Salesianarum SS. Cordium.

2. Eminenti et Reuerendissimo Cardinale Felici Cavagnis nominavit Protectorem Sororum Charitatis a Ven. Capitanio.

3. Eminenti ac Reuerendissimo Ioanni Tacci, olim Episcopo Civitatis Plebis, nominare dignatus est Delegatum Apostolicum Constantinopolis pro Orientalibus, ac Vicarium Patriarchalem pro Latinis.

4. Eminenti et Reuerendissimo D. Cardinale Antonio Agliardi elegit Protectorem Archiconfraternitatis SSmi Sacramenti, erectae in ecclesia Immaculatae Catacii.

5. Eminenti ac Reuerendissimo D. Cardinale Iosepho Calasanctio Vives y Tuto nominavit Protectorem Archiconfraternitatis Immaculatae Conceptionis Catacii; necnon Instituti Filiarum Christi Regis Granatae; ac demum Instituti Sororum Tertiariarum Capuccinarum Sacrae Familiae Valentiae.

6. Illmo et Reuerendissimo D. Hieronymo Rolleri eligere dignatus est Secretarium S. C. de Propaganda Fide pro Negotiis Ritus Orientalis.

[*Latin ed. p. 485*]

ACTS OF THE ROMAN PONTIFF: LETTERS. In these, Pope Pius X rejoices and favorably foretells of a general gathering of Gregorian chant in Argentina.

PIUS PP. X.

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Beloved son, greetings and the Apostolic blessing (i).

As we rejoice in the observance of the precepts which we impart for the benefit of the faithful, so too are we pleased by the announcement you have made regarding a gathering, in which learned men devoted to Gregorian chant from all over the land will convene, and this very fact moves us deeply, so that what We have urged concerning sacred music may be faithfully put into practice.

We are greatly pleased that this gathering will be numerous and composed of men who not only possess expertise in the art of music, but also, which is of great importance in sacred matters, hold a profound sense of piety and devotion to the Christian faith. Indeed, we consider this to be a certain sign of a fruitful and successful outcome.

Furthermore, this gives us hope that your efforts will bear even greater fruit, that you have not only resolved to stir up and encourage a love for the ancient chant of the Roman Church through words, but also to present examples, helpful for practice, before your eyes, so that students may clearly and properly perceive the extent to which art, elegance, and religion are involved in observing the precepts of sacred music.

May divine grace grant you abundantly and easily, and may it elicit the most desired benefit from your zeal, so that there may finally arise in the Catholic world a willingness to diligently obey Our precepts concerning sacred chant.

Meanwhile, we testify to our special benevolence towards you, and we invoke the blessings of heaven upon you and upon all those who will participate in the aforementioned gathering, bestowing upon them the Apostolic blessing in the Lord.

Given in Rome, at St. Peter's, on the twentieth day of January, in the year 1905, in the second year of Our pontificate.

PIUS PP. X.

(i) To the beloved son, Peter Wagner, Doctor and Dean at the Great Lyceum of Freiburg, and moderator of the general gathering of students of Gregorian chant.

Acts of the Holy See, Vol. XXXVII, page 8. 31

[*Latin ed. p. 486*]

4 Letter 86. A LETTER in which Pope Pius X highly commends the embellishment of the Benedictine and Scholastic crypt at Cassino.

PIUS PP. X. Beloved Son, health and the Apostolic blessing (i). The matters which are brought to Our attention concerning the noble embellishment with which the Benedictine and Scholastic crypt at Cassino is adorned, are so pleasing to Us, that they merit Our special

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commendation. For in this work, not only is piety pleasing, in that it renders due honor to the most holy Parent and to His most innocent sister, but also the will of men of learning from various nations is gratified, honoring the memory of a man whose immortal merits deserve the highest veneration. Furthermore, there is a great advantage to be found in this very work. For in times when Religious Orders are so much maligned, and their institutions are often considered harmful or useless to civil society, it is most fitting that the Benedictine Monastery of Cassino, that most ancient home of humanity and the arts, should draw the eyes and minds of men to itself; and that the memory of that Father of the Monks in the West, to whom, in great measure, Europe owes its civil culture, should be revived from the oblivion of many; and that it should be shown that the ingenuity of its students has not diminished with the passage of time. Therefore, We gladly commend you, beloved son, and the other learned men who, under your leadership, are so diligently working for the honor of your Order and of the Church, and We wish to offer this praise also to those of your companions, who, as We understand, employ a certain skill, like a devoted son to his beloved master, Desiderius Lenz, in carrying out the work, so that it may admirably fulfill the requirements of dignity, of person, and of place. As the beginnings are well laid, so We hope that the rest will follow, with the help of diligence and effort (i).

To Our beloved Son, Laurence Janssens, a Benedictine Priest, and Moderator of the Anselmian College.

[*Latin ed. p. 487*]

487 Your letter and the generous contributions of your group are received. In the meantime, as a pledge of divine assistance and a testament to Our singular benevolence, We impart, through Christ Our Lord, the Apostolic Blessing to you, beloved son, and to all those mentioned above, as well as to all who contribute to your endeavors. Given in Rome, at St. Peter's, on the fifth day of February, in the year 1905, in the second year of Our Pontificate. PIUS PP. X.

LETTERS: By which Pope Pius X approves and commends a second Catholic Congress concerning Christian Catechesis.

PIUS PP. X. Beloved Son, health and the Apostolic Blessing (i).

The plan that you and your helpers and supporters recently brought to Our attention, concerning a second Catholic Congress to be held this year on the subject of Christian Catechesis, is highly pleasing to Us; for it contributes greatly to the goal that We are striving for. For, in order that all things may be in Christ, that is, in order that the morals and institutions of peoples, both privately and publicly, may be restored to the Christian form, it cannot be accomplished unless the minds and hearts of the people are once again imbued with the doctrine and precepts of Christ. And truly, among all the evils that afflict this age, this is the greatest: an incredible ig-

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norance of the most important things that are contained in religion, amidst so much learning and zeal for knowledge; and We are pleased to see that you are diligently seeking a remedy for this, as befits your wisdom. We have sufficiently recognized this wisdom in the booklet that you included with your letter, concerning the matters to be discussed at the Congress: which [was] presented to the Reverend Doctor Amedeo Ghizzoni, Director of the *Catechista Cattolico* periodical, in Piacenza.

[*Latin ed. p. 488*]

4. Letter 88: We know that these matters appear to you, as they did to your Bishop, who is most learned in this discipline, to be of great importance. Therefore, with your excellent Bishop leading the way, carry out what you have begun with confidence, assured that your labors will not lack either help or a most abundant reward from God. As a pledge of both our good wishes and a testament of our special benevolence to you all, and especially to the Venerable Brother mentioned, and to you, dear son, we impart our Apostolic blessing in the Lord. Given at Rome, near St. Peter's, on the eighth day of February, in the year 1905, in the second year of Our Pontificate. PIUS PP. X.

LETTERS: In which Pope Pius X condemns Christian democracy and autonomy in Italy.

Signor Cardinal (i), The circular letter of July 28, 1904 (2), addressed by His Eminence, our Secretary of State, to the Reverend Ordinaries of Italy, established Our prescriptions with such precision, especially regarding Catholic Committees and Christian popular action, that even those least learned in the elements of the Catechism should understand that there cannot be true Catholic action without immediate dependence on the Bishops. But, as in the field of the evangelical parable, so too in the field of Catholic action, for some time now, tares have been sown, which grow and choke the chosen wheat; and this not through the work of open enemies, but through those very ones who profess and boast of being Catholics.

(1) To the Most Reverend Signor Cardinal Domenico Svampa, Archbishop of Bologna.

(2) Cf. Acta S. Sedis, vol. 39, p. 19.

[*Latin ed. p. 489*]

Letter 489. Such are those so-called Christian Democrats, who, out of a desire for a freedom wrongly understood, demonstrate in fact that they undermine every discipline; they aspire to dangerous novelties, which the Church cannot approve; they adopt an authoritative demeanor in order to impose themselves, to judge, and to criticize everything, and they go so far as to declare themselves ready to submit to infallibility, but not to obedience. If one were to seek arguments to prove that such individuals, in the logical development of their principles, have explicitly rebelled against

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the authority of the Church, this is demonstrated by what they assert in their assemblies, declaring themselves independent; by what they publish in their newspapers and periodicals, promoting their work and justifying their conduct; and finally, when they respond to the solemn prohibitions of venerable Prelates, either by asserting that such prohibitions do not concern their society or their persons, or by proclaiming that the Pope and the Bishops have the right to judge matters pertaining to faith and morals, but not the right to direct social action; and therefore, they consider themselves free to proceed with their work. It grieves us in our heart to know that so many poor young men, who gave the best hopes, are associated with this autonomous democracy, to whom we would say with the most compassionate affection: Beware, for you are being deceived by those who surround you with flattery, deafen you with their words, and do not hesitate to lead you down a path that leads to ruin. And we cannot help but express our immense regret when we read newspapers and periodicals, which, despite claiming to be Catholic, not only censure the strong warnings of the Bishops, who rightly condemn the autonomous democrats, but dare to vilify with the most insulting insinuations those whom the Holy Spirit placed to govern His Church. This is a heinous fault, which demonstrates the spirit by which the writers are animated! Now, as has already been announced, this month...

[*Latin ed. p. 490*]

49° In hac urbe congregatio tenebitur, in qua democratici autonomi deliberationes gravissimas habebunt, ut libertatem suam vehementer proclamant. Nos censuimus necessarium vobis, Domine Cardinalis, hanc litteram, manu nostra scriptam, dirigere.

1°. Ut vehementer protestemur contra assertiones fallaces, quae dicuntur: "Papa non locutus est," "Papa approbat," et "si aliquando aliquid reprehendit, hoc ab aliis ei imponitur."

2°. Ut declinemus quod omnes qui, non verbis sed factis, se catholicos veros demonstrare volunt, non debeant in hac congregatione participare.

3°. Multo minus sacerdotes in ea participare poterunt, ne provocent eas poenas canonicas, quas, cum dolore, sed cum resolutione, obtemperientibus infligimus.

4°. Denique, ut meminerimus gravissimam responsabilitatem quae assumitur ab omnibus qui, quocumque modo, hanc associationem promovent, quae in vera actione catholica disordinem infert, et tam gravem iniuriam praebet pauperibus adolescentibus, qui, exposti mille periculis, valde necessitant ut firmiter, sine errore, in principiis catholicis maneant.

Speramus quod haec lamentatio nostra, quam vos, Domine Cardinalis, publicare potestis, culpabiles ad gravem considerationem et ad paeniten-

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tiam vocet. Interim, vobis, Domine Cardinalis, ex animo nostro, Apostolicam benedictionem impartimus.

Ex Vaticano, die primo Martii, anno Domini millesimo nono centesimo quinto.

PIUS PP. X.

[*Latin ed. p. 491*]

By MOTU PROPRIO 491, concerning Protonotaries Apostolic, Urban Prelates, and others who enjoy certain privileges proper to Prelates. PIUS PP. X. Among the many concerns that weigh upon Us by reason of Our Apostolic office, there is also this: to safeguard, as is fitting, the pontifical prerogatives of those venerable brothers of Ours who shine with the episcopal character. For they are the successors of the Apostles; as Cyprian says (ep. 6, n. 8), "The Bishop is in the Church, and the Church is in the Bishop"; and no Church is joined to its Bishop, but rather the Holy Spirit Himself has appointed Bishops to govern the Church of God (Acts XX, 28). Therefore, the Council of Trent rightly defined that Bishops are superior to priests (Sess. XXIII, cap. j). And although We, by the disposition of Christ, as successors of Peter, exercise a primacy not only of honor but also of jurisdiction over other Bishops, nevertheless Our brothers are Bishops, and equal to Us in sacred ordination. Therefore, it is Our duty to diligently consider their exalted dignity and, as far as We are able, to extol it before the Christian people. Furthermore, the use of pontifical titles has been granted by Our predecessors, the Roman Pontiffs, to certain Prelates not distinguished by the episcopal character; and it often happens that, either through the malice of human nature or through a wrong or overly broad interpretation, ecclesiastical discipline suffers considerable harm, and the episcopal dignity is subjected to no small injury. When complaints about such abuses have been brought before this Apostolic See by Bishops, Our predecessors have not failed to satisfy their just demands, either through Apostolic Letters or through decrees issued by the Sacred Congregation. In this matter, especially, Benedict XIV, through a letter of the Sacred Congregation dated March 31, 1744, entitled "Most Holy Lord," and again, Benedict XIV, dated February 17,

[*Latin ed. p. 492*]

By Motu Proprio dated July 12, 1752, entitled "In Throno Iustitiae"; by Pope Pius VII, dated December 13, 1801, entitled "Cum Innumeri"; and again by the same Pope, dated July 1, 1823, entitled "Decet Romanos Pontifices" (1); and by Pope Pius IX, dated August 29, 1872, entitled "Apostolicae Sedis officium" (2). Furthermore, among the decrees of the Sacred Congregation of Rites, the following are of primary importance: the decrees issued on September 27, 1659, concerning inferior Bishops, and confirmed by

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Alexander VII; then the decrees of April 22, 1684, concerning the Canons of Palermo; of January 29, 1752, concerning the Canons of Urbino; of April 27, 1818, concerning titular Protonotaries, approved by Pope Pius VII; and of August 27, 1822, concerning the Canons of Bari. However, these, whether neglected or amplified by an ambitious and facile effort, are often seen in our time, whereby Prelates, through the immoderate use of insignia and privileges, especially concerning pontifical matters, debase the dignity and honor of those who are truly pontiffs. Therefore, lest the wise documents issued by our Predecessors be set aside, but rather that they be endowed with new strength and efficacy, and that the customs of the present age be rightly governed, all customs to the contrary, as well as broader privileges, prerogatives, exemptions, indulgences, and concessions, acquired, asserted, or claimed by any persons, even those especially worthy of mention, specifically, collectively, by any title or right, even those confirmed by the Constitutions, Decrees, or Rescripts of our Predecessors and the Holy See, and concerning which, in order to invalidate them, it is necessary to make particular mention, after the careful deliberation of a select group of men skilled in canon law and liturgical science, and after mature consideration, by a Motu Proprio, with full certainty, and by the fullness of Apostolic power.

(1) Cf. Acta S. Sedis, vol. 3, p. 569.

(2) Cf. Ibid., vol. 7, p. 83.

[*Latin ed. p. 493*]

By Motu Proprio, number 49, dated today, We declare, We establish, We command that, in the future, inferior Bishops, Prelates, and others, concerning whom We shall speak below, shall not dare to claim for themselves any insignia, privileges, or prerogatives, except those which are contained in this Our document, granted by Motu Proprio, and that they shall do so in the same manner and form as those set forth herein.

A) Concerning the Apostolic Protonotaries:

I. There shall be four orders:

I. Apostolic Protonotaries of the Participating Number, consisting of seven (i) who constitute the College;

II. Apostolic Protonotaries Supernumerary;

III. Apostolic Protonotaries in the manner of the Participating Number;

IV. Apostolic Protonotaries Titular, or honorary (outside the City).

1. Apostolic Protonotaries of the Participating Number.

2. We freely confirm the privileges, rights, prerogatives, and exemptions with which the College of Apostolic Protonotaries of the Participating Number has long enjoyed, as they are inserted in its own Statutes, recently reformed by the College itself, as they are found in the Apostolic Documents cited therein, and especially in the Constitution "Quamvis

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peculiares" of Pope Pius IX, of the ninth day of the month of February, 1853 (2), with a few exceptions, which, as We shall state below, We determine shall be regulated.

3. Apostolic Protonotaries of the Participating Number properly use the prelatic habit and other items, which are called insignia, as described below in numbers 16, 17, and 18.

4. When walking in their daily habit, they may wear the cassock, the collar, and the biretta, as indicated there, number 17, and also the ring (1).

These are, today: Franciscus Spolverini, the Most Reverend and Most Reverend Lord Vincentius Dandini (one of our Collaborators), Jacobus Poletto, Nussi (Dean), Benedictus Melata, Iosephus Wilpert, and Petrus Piacenza (the other). (N. R.).

(2) Cf. Acta S. Sedis, vol. 7, p. 91.

[*Latin ed. p. 494*]

49.4 The Motu Proprio, by which they are always lawfully entitled to do so, applies even to private Masses and other sacred functions.

5. However, concerning the use of pontifical insignia, Sixtus V, in his Constitution "Laudabilis Sedis Apostolicae sollicitudo," on the sixth day of February, 1586, granted to the Protonotaries: "That the mitre and all other pontifical insignia, even in cathedral churches, may be used, provided that the Ordinary is present; if he is absent, without his consent, even without his presence," in order to maintain the highest dignity of the bishops. We have deemed it necessary to moderate this, so that, for pontifical functions performed outside the city, they must always seek permission from the local Ordinary, according to the declaration of the Holy Roman Church concerning bishops who are either nonresident or titular, of the fourth day of December, 1903 (1), and, moreover, the consent of the prelate of the exempt church, if the function is to be celebrated therein.

6. In performing pontifical functions, they are always forbidden from using the throne, the pastoral staff, and the cope; also, the seventh candlestick on the altar, and the assistance of many deacons; they may only use the faldstool, near which they can put on the sacred vestments. For the concessions granted in the aforementioned Constitution of Sixtus V, "all other pontifical insignia," we declare that these are not to be understood to include those things which are forbidden to the bishops themselves outside the diocese. In place of "Dominus vobiscum," they will never say "Pax vobiscum"; they will never impart the triple blessing, nor will they precede with "Sit nomen Domini" and "Adiu torium" towards them, but only in pontifical Masses, wearing the mitre, they will chant the formula "Benedicat vos," as is customary for the people, blessing them in that manner; from this blessing they will abstain, if the local Ordinary, or another prelate who is superior to the bishop, is present, to whom it pertains to impart it.

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7. Those who enter the church to celebrate pontifical functions, from (1) Cf. Acta S. Sedis, vol. 36, p. 376.

[*Latin ed. p. 495*]

Motu Proprio 49, et cum habitu praelaticus indutus, ad altare adire poterunt, et crucem pectoralem portant, quam aliter non ferunt; et si non privatim per aliam portam intrant, ad fores ecclesiae non recipientur ut Ordinarius loci, sed a Caeremoniario et duobus clericis, non tamen Canonicis aut Dignitatibus; seipsos tantum aqua lustrali signabunt, tacto aspersorio illis porrecto, et per ecclesiam procedentes populo numquam benedicent.

8. Crux pectoralis, a Protonotariis Participantibus in functionibus pontificalibus adhibenda, aurea erit, cum unica gemma, pendens a funiculo serico rubini coloris commixto cum auro, et simili flocculo retro ornato.

9. Mitra in ipsorum Pontificalibus erit ex tela aurea (numquam tamen pretiosa), quae cum simplici alternari possit, iuxta Caerem. Episcop. (I, XVII, nn. 2 et j); nec alia Mitra nisi simplici diebus poenitentialibus et in exsequiis eis uti licebit. Pileolo nigri coloris sub Mitra dumtaxat uti poterunt.

10. Romae et extra, si ad Missam lectam cum aliqua solemnitate celebrandam accedant, habitu praelaticus induti, praeparationem et gratiarum actionem persolvere poterunt ante altare, in genuflexorio pulvinaribus tantum instructo, vestes sacras ab altari assumere, aliquem clericum in Sacris assistentem habere, ac duos inferiores ministros. Fas erit praeterea Canonem et Palmatoriam, Urceum et Pelvim cum Manutergio in lance adhibere. In aliis Missis lectis, a simplici Sacerdote ne differant, nisi in usu Palmatoriae. In Missis autem cum cantu, sed non pontificalibus, uti poterunt etiam Canone et Urceo cum Pelvi et lance ad Manutergium.

11. Testimonium autem exhibere cupientes propensae voluntatis Nostrae in perinsignem hunc coetum, qui inter cetera praelatorum Collegia primus dicitur et est in Romana Curia, Protonotariis Participantibus, qui a locorum Ordinariis sunt exempti, et ipsis Abbatibus praecedunt, facultatem facimus declarandi omnibus qui Missae ipsorum intererunt, ubivis ce-

[*Latin ed. p. 496*]

Motu Proprio 496, it is declared that, whether in private chapels or at a portable altar, attendance at Mass on a feast day fully and properly satisfies the precept.

12. The Apostolic Protonotary, who has left the College within ten years of receiving the Protonotariate, or who has been absent for at least ten years, and who, according to the Constitution of Sixtus V, has been granted the same privileges by five others, shall be considered among the Protonotaries for all purposes.

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II. Apostolic Protonotaries *Supranumerarii* (beyond the established number).

13. No one shall be admitted to this order of Protonotaries except those who hold a canonry in one of the three Patriarchal Chapters of the City, namely the Basilica of St. John Lateran, the Basilica of St. Peter in the Vatican, and the Basilica of St. Mary Major; and also those who hold a dignity or canonry in the Chapters of certain other churches outside the City to which the Apostolic See has granted the privileges of Protonotaries. Those who have been raised to the title of Protonotary only in their own church or diocese, or who have been honored with only some of the privileges of Protonotaries, shall not be considered Protonotaries or Prelates in the same manner as those about whom mention is made in paragraphs 80 and 81 of this document.

14. All Canons, even Honorary Canons, both of the Patriarchal Churches of the City and of the other churches mentioned above, shall not enjoy the insignia and rights of Protonotaries, nor shall they enjoy the title and honor of Prelates, unless they have first been enrolled among the Domestic Prelates by the Supreme Pontiff by a Brief, and have observed what is stated below in paragraph 34. However, a Protonotary *ad instar* (in name only), who is admitted as a Canon in this manner, shall thereby acquire the privileges of a Protonotary *Supranumerarius*.

15. Apostolic Protonotaries *Supranumerarii* remain subject to their own Ordinary, according to the form of the Council of Trent (Session V).

[*Latin ed. p. 497*]

16. Those who hold prelatic rank, by virtue of Motu Proprio 497 XXIV, chapter II, and whose benefices are vacant, do not, by reason of this, have their privileges reserved to the Apostolic See. They are permitted to wear the violet color in the sacred functions, that is, the cassock, the pectoral cross, the talar (a long, loose-fitting vestment), the biretta (a square cap), never, however, fully displayed, nor in the celebration of the Pontifical Mass. They shall also wear a silk cincture with two violet silk tassels hanging from the left side, and the pallium, or mantellet, over the rochet (a white silk coat). Furthermore, they shall wear a black biretta adorned with a red tassel; also, a black zucchetto (a small skullcap) with a silk fillet, decorated with a woven pattern, of the same red color, as well as a series of small rosettes, globes, and a narrow band of red, adorning the collar and the front of the cassock and mantellet, as well as the cuffs (paramani) of the sleeves (even of the rochet).

17. However, they may use another habit, the proper habit of Prelates, commonly called the "piano," in Congregations, meetings, solemn audiences, ecclesiastical and civil, that is, a violet cassock and pectoral cross, a black talar with rosettes, globes, a narrow band, and a collar, as described above, of red color, a violet silk cincture with matching violet silk fringes,

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and a plain violet talar, not undulated, without any trimming or ornamentation of any other color, and a black zucchetto with red silk cords and tassels. When walking in common attire, they may wear the violet cassock and pectoral cross, and the zucchetto, as mentioned above.

18. They may affix their own insignia or coats of arms to the zucchetto, with a lemniscate (a figure eight) and twelve tassels, six on one side and six on the other, of the same red color, without a cross or mitre.

19. Dignitaries and Canons Protonotaries shall wear the habit and insignia in the choir, as granted by the Chapter from the Apostolic See; nevertheless, they may use only the violet prelatic habit with the cincture under the choral insignia, unless another habit is to be used as a choral insignia. For the use...

[*Latin ed. p. 498*]

4. 9. 8. *Motu Proprio* concerning rockets and mantles in the choir: It must be determined whether these are permitted by a special indult; otherwise, a Protonotary, wearing the prelate's habit, will not have a place among the Canons, nor will he receive the distributions that benefit the members of the chapter.

5. 0. They will wear a violet woolen cap, with ermine fur in the winter, and in the summer, a silk cap of ruby color, in the Pontifical vestments, in which they will have a place after the Participating Protonotaries. Those Canons who are Protonotaries but are not prelates, or who are merely Protonotaries by name but do not enjoy all the rights, as stated in numbers 13 and 14, will not have a place in the choir, nor will they, while wearing the prelate's habit or the pian, about which numbers 16 and 17 speak, ever be able to exceed the limits of the pontifical concession.

6. 1. Clerics of any order, priests, canons, and dignitaries, even those united collegially, and prelates of regular orders, to whom the pontifical privilege does not belong, precede those wearing the prelate's habit, but certainly not Vicars General or Capitular, Abbots, and Canons of cathedral chapters taken collegially. They will not kneel before the Cross and before the Bishop, but will only incline their heads; they will be incensed twice; also, if they are wearing sacred vestments and are present in the choir for the functions.

7. 2. They enjoy the indult of a private oratory, either at home or in the countryside, to be visited and approved by the Ordinary of the place, in which, even on more solemn days (except for Easter, Pentecost, the Assumption of the Blessed Virgin Mary, and the feasts of the holy Apostles Peter and Paul, and also the principal feast of the local patron), they themselves may celebrate Mass, or another priest, for the convenience of their own family, relatives, neighbors, and those with whom they live, even to fulfill a precept. However, they must know that they are entirely without

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the privilege of the portable altar.

8. 3. It is permitted for them to perform acts concerning the causes of beatification and canonization of the Servants of God; however, they will not be able to use this privilege if another person from the College of Participating Protonotaries is present in that place.

[*Latin ed. p. 499*]

499. 24. Thus, those are rightly chosen for the offices of Conservators of Regular Orders and other pious institutions, as well as for the offices of Synodical Judges, and as Apostolic Commissioners and Judges, even for benefices and ecclesiastical causes. Furthermore, those who, by their profession, are properly bound to the Faith, will also fulfill this obligation by virtue of their office. However, in order that the Canons Protonotaries may enjoy the rights and privileges expressly stated here and in number 23, it is necessary that they possess a doctoral degree in Sacred Theology or Canon Law.

25. Outside the city, and with the permission obtained from the local Ordinary, who will determine when and for which solemnities this permission may be granted, and also with the consent of the Prelate of the exempt church, in which the celebration may take place, they may perform Masses and Vespers, and other sacred functions, in the pontifical manner. Regarding the celebration of these functions collegially, or with the presence of a Chapter, provision shall be made according to their own Constitutions, with the consent of the Ordinary, as prescribed by Apostolic documents.

26. Those who approach the church to celebrate pontifical functions, and who depart from it, wearing the habit of prelates, may carry the pectoral cross (from which they will abstain at other times) above their mantelletum. And unless they enter privately through another door, they will not be received at the doors of the church by the Ordinary of the place, but by the Master of Ceremonies and two clerics, but not by the Canons or Dignitaries. They themselves will only be sprinkled with holy water, with the aspergillum offered to them, and, proceeding through the church, they will never give the blessing to the people.

27. Those celebrating pontifical functions will proceed to the faldistorium, but will put on and remove the sacred vestments in the sacristy, which will be those used in Masses: a) Caligae (shoes) and silk sandals with a gold-embroidered edge; b) Tunicella (tunic) and Dalmatica (dalmatic); c) A pectoral cross without gems, suspended from a silk cord of pure crimson color, not interwoven with gold, and adorned with a similar tassel on the back; d) Silk chirothecae (finger stall), without any Phrygian ornamentation, but only distinguished by a gold-embroidered edge; e) A ring with a single gem; f) A mitre made of white silk, without any Phrygian

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ornamentation, but only with a gold-embroidered edge.

[*Latin ed. p. 500*]

5. Motu Proprio, and similarly, golden lace, which may be alternated with simple linen, according to the Caeremoniale Episcoporum (I, XVII, nos. 2 and β); this simple form, however, is to be used on days of penance and at funerals; g) The Canon and Pall, from which one must abstain in the presence of the Ordinary or a superior; h) The Urn and Basin with Mantle on the stand; i) The Gremiale.

6. In solemn Vespers (after which the blessings are not given) and other sacred functions to be celebrated pontifically, the Mitre, pectoral Cross, and Ring are to be used, as above. The black biretta may only be worn under the Mitre.

7. In the aforementioned pontifical functions, the use of the throne, the pastoral staff, and the cope is always forbidden; in pontifical Masses, however, they shall not use the seventh candlestick on the altar, nor shall the assistance of many Deacons be present; a Presbyter assisting may wear a pluvial; nevertheless, this is not to be done in the presence of the Ordinary Bishop or another Prelate who is superior to the Bishop; within the Mass, they shall wash their hands only at the Ps. *Lavabo*; instead of "Dominus vobiscum," they shall never say "Pax vobis"; they shall never give the triple blessing, nor shall they precede it with "Sit nomen Domini," but only in pontifical Masses, wearing the Mitre, they shall chant the formula "Benedicat vos," as is customary for the people, from which blessing they shall abstain when the Ordinary Bishop or another Prelate, superior to the Bishop, is present, to whom it is to be given. Before them, when celebrating pontifically, they shall use only the simple Mitre, and when they receive the sacred vestments, or request the throne, or rise from it, they shall be without the Mitre.

8. By special commission of the Ordinary, Protonotaries Supernumerary may also celebrate a Mass for the dead in the pontifical rite, with the Absolution at the end, using the *linea* Mitre; however, it will never be permissible for them to give that same Absolution after a Mass celebrated by another; this right is reserved to the Ordinary Bishop alone.

[*Latin ed. p. 501*]

Motu Proprio 5oi 3 1. In Roma et extra, si ad Missam sollemnem celebrandam accedunt, induti habitu praelaticio, poterunt praeparationem et actionem gratiarum persolvere ante altare, instructi tantum genuflexorio pulvinaribus, vestes sacras ab altari assumere (sed non Crucem pectoralem et Annulum), aliquem clericum in Sacris assistentem habere, et duos inferiores ministros; Canonem et Palmatorium, Urceum et Pelvim cum Manutergio in lance adhibere: sed ante Communionem manus ne lavent. In aliis Missis sollemnibus celebratis a simplici Sacerdote, non debeant differre,

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nisi in usu Palmatoriae: in Missis autem cum cantu, sed non pontificalibus, uti poterunt etiam Canone, Urceo cum Pelvi, et lance ad Manutergium, nisi haec a statutis vel consuetudine in propria ecclesia prohibeantur.

32. Canonico Protonotario Apostolico Supranumerario non erit licitum Pontificalia peragere cum ornamentis ac ritu superius enunciatis, nisi intra terminos propriae dioecesis; extra autem, nonnisi ornatu et ritu, prout Protonotariis ad instar, ut infra dicetur, concessum est.

33. Cum tamen Canonicos trium Patriarchalium Urbis, ob earumdem praestantiam, aequum sit excellere privilegiis, eo vel magis quod in Urbe, ob Summi Pontificis praesentiam, Pontificalium privilegium exercere nequeunt, illis permittitur, ut in ecclesiis totius terrarum orbis, impetrata Ordinariorum venia, et Praesulum ecclesiarum exemptarum consensu, Pontificalia agant cum ritu atque ornamentis nn. 27, 28, 29 recensitis. Insuper, licet aliquis ex ipsis inter Praelatos nondum fuerit adscriptus, Palmatoria semper, etiam in privatis Missis uti poterit.

34. Recensita hactenus privilegia illa sunt quibus dumtaxat Protonotarii Apostolici Supranumerarii fruuntur. Verum, cum eadem collective coetui Canonicorum conferantur, Canonici ipsi, tamquam singuli, non poterunt his uti, nisi Praelati Urbani fuerint nominati et antea suae ad Canonicatum vel Dignitatem promotionis et auspicatae iam possessionis, atque Acta S. Sedis, Vol. XXXVII, fase. 8. 32.

[*Latin ed. p. 502*]

502. Those Prelates who are members of the aggregation, as stated in number 14, must present proof to the College of Protonotaries Participating; before the Dean of the College itself, they shall make a profession of the Faith and a solemn oath of fidelity, either in person or through a lawful procurator, and shall subsequently inform their proper Ordinary of this, upon presentation of the appropriate documentation. Once these requirements are fulfilled, their name will be recorded in the list of Apostolic Protonotaries.

35. Canonically resident clergy of churches outside the city, who, before the publication of this document by Our Motu Proprio, have obtained the privileges of Protonotaries, together with their Canonry, shall be exempt from the provisions of the Brief mentioned above, number 14; however, they shall take the oath of fidelity before their Ordinary within two months.

36. Canonically resident clergy, assisting collegially in pontifical functions, wearing the sacred vestments as prescribed in the Caeremoniale Episcoporum, shall not use any mitre other than a simple one, nor shall they ever use the insignia and privileges of Protonotaries with others outside their own church, unless otherwise stipulated in the document of concession. However, a Canon who has not yet been promoted to the order of at least Subdeacon shall never wear a mitre in the choir with the others. Those

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assisting in the aforementioned functions shall not have a mitre, as is fitting for the one celebrant in the Pontifical. Those who perform the duties of Deacon, Subdeacon, or Presbyter in a solemn Mass, while a Bishop, Canon, or other privileged person is celebrating pontifically, shall not wear a mitre; however, they may wear one when assisting a Bishop celebrating solemnly, as mentioned above in the case of those assisting collegially, in which case, when they are serving or working with the Bishop, they shall keep their head uncovered.

37. A deceased Supernumerary Protonotary shall not be carried or buried with a mitre, nor shall this mitre be placed upon his coffin.

38. In order that the number of Protonotaries not be increased beyond what is fitting, We prohibit, for the future, that in churches, concerning which...

[*Latin ed. p. 503*]

Motu Proprio 503, supra, Canonici Honorarii, sive qui intra, sive qui extra dioecesim degunt, partes duas superabunt eos qui Capitulum iure constituunt. 39. Qui aliter agant, aut alii, praeter memorata, privilegiis et iuribus uti praesumpserint, si ab Ordinario semel et bis admoniti non paruerint, eo ipso, titulo Protonotarii, honore, iuribus et privilegiis, tamquam singuli, privatos se noverint. 40. Sciant praeterea, se, licet forte plures una simul, non tamquam unius ecclesiae Canonici, sed tamquam Protonotarii conveniant, non idcirco Collegium praelatitium constituere; verum quando una cum Protonotariis de numero Participantium concurrunt, v. gr. in Pontificia Cappella, tunc quasi unum corpus cum ipsis effecti censentur, sine ullo tamen amplissimi Collegii praeiudicio, ac servatis eiusdem Cappellae et Familiae Pontificiae consuetudinibus. 41. Si quis (exceptis Canonicis trium Patriarchalium Urbis) quavis ex causa Dignitatem aut Canonicatum dimittat, cui titulus, honor et praerogativae Protonotarii Apostolici Supranumerarii adnexa sint, ab eiusmodi titulo, honore et praerogativis statim decidet. Qui vero Pontificium Breve inter Praelatos aggregationis obtinuerit, horum tantum privilegiis deinceps perfruetur. III. Protonotarii Apostolici ad instar. 42. Inter Protonotarios Apostolicos ad instar Participantium illi viri ecclesiastici adnumerantur, quibus Apostolica Sedes hunc honorem conferre voluerit, ac praeterea Dignitates et Canonici alicuius Capituli praestantioris, quibus collegialiter titulus et privilegia Protonotariorum, cum addito ad instar, ubique utenda, fuerint ab eadem Apostolica Sede collata. Canonici enim, qui aut in propria tantum ecclesia vel dioecesi titulo Protonotarii aucti sunt, aut nonnullis tantum Protonotariorum privilegiis fuerunt honestati, neque Pro-

[*Latin ed. p. 504*]

By Motu Proprio, Notaries and other Urban Prelates shall be received, and treated, in the same manner as those concerning whom mention is

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made in this document in paragraphs 80 and 81.

43. Those who are Apostolic Notaries, being honored as if they were individuals, are, by that very fact, Prelates of the Pontifical House; but those who are Notaries because they are Canons of some church, are not considered Domestic Prelates, unless by a Papal Brief, as stated in paragraph 14. All Notaries of this standing remain subject, for the purpose of jurisdiction, to the Ordinary of the place.

44. The benefices of those who enjoy the title and honor of Notaries, as if they were Canons of some Chapter, if vacant outside the Roman Curia, are in no way reserved to the Apostolic See. However, the benefices of those who enjoy this title and honor, as a private individual, can only be conferred by the Apostolic See.

45. With regard to the prelate's habit, the plain and common one, the coats of arms, and the choral insignia, the habit, and the place in the Pontifical Chapel, all shall be observed, as stated above concerning the Supernumerary Notaries, in paragraphs 16, 17, 18, 19, and 20.

46. They shall enjoy the same rights, precedence, a private oratory, the power to perform the acts of Beatification and Canonization, passive participation in the election of Conservators, and other things; also, they shall receive the profession of faith, reverence towards the Cross, and incense, in all of which they partake, as stated above in paragraphs 21, 22, 23, and 24, and under the same conditions.

47. With the permission of the Ordinary and the consent of the Prelate, churches outside the city may celebrate Masses, but not those for the dead, in the pontifical rite and with pontifical vestments, as noted above, concerning the Supernumerary Notaries, in paragraphs 25, 26, 27, 28, and 29; but subject to these regulations: They shall never use a faldstool or a throne, but shall sit together with the ministers on a bench, covered with a cloth of the color of the day; they shall use only silk shoes, and the orphrey of the vestment shall also be adorned with silk of a yellow color, and likewise with silk gloves, without any other ornamentation; the mitre shall be plain.

[*Latin ed. p. 505*]

By Motu Proprio, number 505, made of Damascus silk, without any ornamentation, and not even distinctly colored, with red fringes at the edges. Outside of cathedrals, only a priest wearing a rain garment may be present, provided that the Ordinary Bishop or another prelate of higher rank is not present. They shall wear the golden pectoral cross without gems, suspended from a cord of solid violet silk, without any gold interwoven. Everything that is to be sung or read in the Mass shall never be done from a seat, but at the altar. They shall wash their hands only at the "Lavabo" Psalm, number 48. Furthermore, outside the city, with the permission of the Ordinary and with the consent of the prelate of the exempt church, they

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may, adorned with the mitre, pectoral cross, and ring, celebrate Vespers of that feast, for which they are to celebrate or have celebrated Mass in a pontifical manner (without the final blessing), from a seat, in the manner of priests. They may use the same vestments and the same rite, but only by a special commission from the Ordinary, at the Vespers of a feast for which Mass is celebrated in a pontifical manner by any other prelate, and also at the blessing with the Most Holy Sacrament when it is solemnly (but not thrice) distributed, in processions, and in one of the five absolutions at more solemn funerals, as described in the Roman Pontifical. 49. In Rome, those who celebrate Mass with some solemnity, if they are wearing prelate's vestments, shall retain those vestments, as is stipulated for Supernumerary Protonotaries, number 31; outside the city, however, they shall wear them in the same manner, but only by a special commission from the Ordinary; in other Masses and functions, they shall act as Domestic Prelates, as in number 78, and may, if they wish, use only the palmed staff. 50. Whoever is attached to a group of canons to whom the privileges similar to those granted to Protonotaries have hitherto been granted, if he wishes to use them as a private person, he must first obtain a Papal Brief, as stated in numbers 14 and 43, regarding his aggregation among the Domestic Prelates, observing the regulations, and also regarding his promotion to the canonry or dignity, and his initiation.

[*Latin ed. p. 506*]

5. Those who present a testimonial of their possession and aggregation among the Prelates to the College of Protonotaries, shall, before the Dean of the College itself, either personally or through a lawful procurator, make a profession of the Faith and a solemn oath of fidelity, according to the established custom; and shall, finally, inform their own Ordinary of these matters, providing the appropriate documentation. Those, however, who have rightfully obtained this title as a private individual, shall not be able to enjoy the privileges attached to this title until they have presented a lawful testimonial of their nomination to the aforementioned College, made the profession of the Faith and the oath of fidelity, as stated above, and submitted authentic documentation of all of these matters to their Ordinary. Once these requirements have been fulfilled, their name will be recorded in the list of Protonotaries.

6. Those Protonotaries who, before the publication of these Letters, enjoyed the rights of a Canon of a church, and were exempt from the requirement of a Brief, as mentioned in the preceding paragraph, and from the oath, as stated there, shall provide proof of this to their own Ordinary within two months.

7. Protonotaries holding dignities and canonical offices shall wear the prescribed vestments in the choir, as granted by the Chapter from the Apostolic See; nevertheless, they may wear only the purple prelate's vestment

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with a sash beneath the choral insignia, unless another vestment, such as a choral stole, is required. Regarding the use of the *rocchetto* and *mantelletto* in the choir, it should be determined whether these are permitted by a special indult; otherwise, a Protonotary wearing the prelate's vestment will not have a place among the Canons, nor will he acquire the benefits that accrue to the members of the chapter.

8. When assisting collegially in pontifical functions, wearing the sacred vestments according to the *Caeremoniale Episcoporum*, they shall not use any mitre other than a simple one, and they shall never use any of the other insignia or privileges mentioned above outside of their own church, unless otherwise stipulated in the granting diploma. However, a Canon who is, at the very least, a Subdeacon,

[*Latin ed. p. 507*]

By Apostolic Mandate, the diaconate shall not be promoted, nor shall anyone wearing the mitre ever use it in the choir with others. However, those serving in the aforementioned functions shall not wear the mitre, as is fitting for a single celebrant, as is stated in the Pontificals. Those Deacons, Subdeacons, or Presbyters who assist in the solemn Mass, while a Dignitary, or Canon, or another privileged person celebrates pontifically, shall not wear the mitre; however, they may wear it when the Bishop solemnly celebrates, as has been said concerning those assisting collegially, in which case, when they minister or work with the Bishop, they shall keep their heads uncovered.

54. A Protonotary shall not be carried out or buried with the mitre, nor shall the mitre be placed upon his bier.

55. In order that the number of Protonotaries may not be increased beyond what is proper, we prohibit, for the future, that in the churches, of which we have spoken above, Honorary Canons, whether residing within or outside the diocese, shall not exceed two-thirds of those who constitute the Chapter.

56. Whoever shall act otherwise, or shall presume to use other privileges and rights besides those mentioned, if, after being admonished once and twice by the Ordinary, they do not comply, they shall, by that very fact, be considered to have lost the title of Protonotary, and all the honors, rights, and privileges attached to it, as individuals.

57. Furthermore, let them know that, although perhaps several may come together at the same time, they shall not, as Protonotaries, constitute a Prelate's College, even though they may be Canonries of the same church; but rather, when they come together with Protonotaries from among the participants, for example, in Pontifical Chapels, they shall be considered as one body with them, without any prejudice to the aforementioned College, and with the customs of that Chapel and Pontifical Family preserved.

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58. If anyone, for any reason, relinquishes a Dignity or Canonry, to which the title, honor, and prerogatives of Protonotaries are attached in a similar manner, they shall immediately lose those title, honor, and prerogatives. However, those who hold a Pontifical Brief...

[*Latin ed. p. 508*]

I. Motu Proprio 508, those prelates who have obtained membership in the aggregation shall henceforth enjoy these privileges.

II. Protonotaries Apostolic, Titular or Honorary.

59. Since the Apostolic See has not reserved the right to nominate Titular or honorary Protonotaries solely to itself, but has delegated this power to Apostolic Nuncios, the College of Participating Protonotaries, and perhaps to others for a long time, before we determine anything regarding their privileges and prerogatives, it seems fitting to renew the laws or conditions by which each candidate may duly and honorably be raised to such a dignity, according to the Constitution "Cum Innumeris" of Our Predecessor, Pope Pius VII, dated December 13, 1818.

60. Therefore, whenever a request is presented for the attainment of the honorary Protonotariate, the following testimonies shall be presented, recognized by the Ordinary, which clearly demonstrate: 1. the honorable condition of the family; 2. an age of at least twenty-five years; 3. clerical status and celibacy; 4. a doctorate in either Canon or Civil Law, or in Sacred Theology, or in Holy Scripture; 5. honorable conduct and gravity, and a good reputation among all; 6. merits worthy of special praise for the good of the Church; 7. suitability for maintaining the dignity of Protonotary with decorum, also taking into account the annual income, according to the estimation of each region.

61. If such an honorary Protonotariate is conferred by the Apostolic See upon a collective body of Canons (which we declare that the right to nominate Protonotaries collectively has not been delegated to anyone), then, by the very fact that someone has legitimately obtained the dignity or canonry, he shall be called a Protonotary.

62. Likewise, he who performs the office of General Vicar or even Capitular Vicar, will be a Titular Protonotary only as long as he continues in that office; hence, if he obtains a dignity or canonry in...

[*Latin ed. p. 509*]

5. A Cathedral Canon does not enjoy the privileges of a Prelate when singing in the choir; however, a Protonotary of Honour, as described below, may rightfully use the prelate's attire.

6. Protonotaries Apostolic *Titulares* are Prelates outside of the City, who nevertheless remain entirely subject to the local Ordinaries. The houses of Prelates do not enjoy pontifical honours, nor are they numbered among the family of the Supreme Pontiff.

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7. Outside the City, provided the Supreme Pontiff is not present in that place, they may properly perform sacred functions wearing the prelate's attire, which is entirely black in colour, that is, the cassock, even, if they wish, with a train (but never displayed), a black silk sash with two black tassels hanging from the left side, a *rocchetto*, a black *manto*, and a biretta, without any part of these being embroidered or adorned with another colour.

8. Outside the City, in the presence of the Supreme Pontiff, they may wear the described attire, if he has granted permission for it to be worn as a choral insignia, or if a Vicar is present.

9. Those wearing the prelate's attire are given precedence over all Clerics, including Presbyters, even Canons, individually. However, they are not given precedence over Canons, even those of Collegiate churches, acting collegially, nor over Vicars General and Capitular, or Superiors General of Religious Orders, and Abbots, and Prelates of the Roman Curia; they do not kneel before the Cross or before a Bishop, but only incline their heads, and are incensed with incense in a double manner.

10. In addition to their everyday attire, on the occasion of a solemn gathering, an audience, and similar events, even in Rome and before the Supreme Pontiff, they may wear only a black silk sash, with black fringes, along with a black skullcap adorned with a cord and tassels, all black.

11. They may wear their own insignia, or coats of arms, on the skullcap, but only in black, with a lemniscate, and six tassels hanging from this side, and six from that side, also entirely black.

12. If a Protonotary *Titularis*, by reason of a Canonry or dignity, participates in the choir, they shall wear the attire according to the following.

[*Latin ed. p. 510*]

Regarding the norms established by the Motu Proprio, number 52, concerning Protonotaries, with the exception of the color of the vestments.

70. When performing sacred duties, they should not differ in any way from simple priests; however, outside of the city, during solemn Masses and Vespers, and also during Masses celebrated with a choir and other solemn functions, they are permitted to use only a mitre, excluding all other pontifical vestments.

71. With regard to matters pertaining to causes of Beatification and Canonization, and to passive participation in the selection of Conservators and other matters, they enjoy the same rights as Protonotaries *Supranumerarii*, as stated above in numbers 23 and 24.

72. The benefits conferred upon those who have obtained the title of Protonotary as private individuals, and not those who enjoy the same title by reason of a Vicariate, Canonry, or Dignity, are granted only by the Apostolic See.

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73. Let them know that, even if several of them should meet together, they do not thereby constitute a College, but rather, they are present as individual Protonotaries.

74. Finally, those who are granted the honorary title of Apostolic Protonotary, as private individuals, cannot use the title, honors, and privileges of the Protonotariate, unless they have previously presented their diploma of nomination to the College of Participating Protonotaries, and have made a profession of faith and an oath of fidelity before the Ordinary, or another person holding an ecclesiastical office. Those who have obtained this title by reason of a Canonry, Dignity, or Vicariate, unless they have done the same, can only enjoy the aforementioned honors and privileges within the limits of their own diocese.

75. Those who act otherwise, or who presume to use other privileges besides those described, if they have not obeyed after being warned once and twice by the Ordinary, shall thereby be deprived of the title and rights of a Protonotary; and if they have obtained the Protonotariate as private individuals, also of the title itself.

76. General Vicars or Capitular Vicars, and also Dignitaries...

[*Latin ed. p. 511*]

By Motu Proprio, and enjoying the titles and honors of a Protonotary, if, for any reason, they should cease from their office, dignity, or canonry, they thereby lose the title, honors, and rights of that Protonotariat.

B). Concerning other Prelates of the Roman Curia.

77. We wish to leave untouched the honors, privileges, eminences, prerogatives, by which other Colleges of Prelates of the Roman Curia are adorned, according to the decree of the Apostolic See.

78. Furthermore, we grant that all and each Urban or Domestic Prelates, even if not attached to any College, that is, those who have obtained an Apostolic Brief, may use a stole (but not a cope or other pontifical vestment) in Mass with singing, or even in a reading, when celebrated with some solemnity; likewise in Vespers and other solemn functions.

79. These [Prelates] may wear the habit, whether it be a prelatial habit or what is called a "pian," according to the custom of the Roman Curia, as described above in nos. 16 and 17; but they may never unfold the train of such a habit, nor may they take sacred vestments from the altar, nor may they use any color other than violet, in the tassel of the biretta and the band of the skullcap, with its reticulated work, or with cords and tassels, even when placing emblems on the skullcap, as stated in no. 18, unless, in the case of any of these, a greater particular privilege is established.

C). Concerning dignities, canonries, and others who enjoy certain privileges proper to prelates.

80. By the indulgence of the Roman Pontiffs, certain prelatial or pontifi-

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cal insignia have been customarily granted to other Colleges, especially to those of Canons, and their Dignities, whatever name they may be called by, from ancient times; but since such privileges seem to imply some diminution of the episcopal dignity, therefore they are to be interpreted strictly according to the law. Adhering to this principle, we expressly declare that...

[*Latin ed. p. 512*]

5l2 By a Motu Proprio, so that to no one may greater privileges be granted concerning any of the aforementioned Colleges than those which, as described above, belong to Protonotaries, or Supernumeraries, or those of similar standing, and indeed not beyond the limits of their own church, or, if granted, the limits of the diocese; nor beyond the days already designated, or the functions already determined; and that these stricter regulations may not be increased.

8 1. Since this matter concerns a point of no small importance, as it pertains to ecclesiastical discipline, let no one dare, through arbitrary interpretation, claim privileges greater than those intended by the grantor; rather, let them demonstrate readiness to have these privileges restricted to a lesser extent. We command that each local Ordinary, within whose jurisdiction or territory, if the matter concerns exempt institutions, any of the aforementioned groups are found, act as delegates of the Apostolic See, and, within two months from the promulgation of these Our ordinances, transmit to Us the documents of Apostolic concessions favorable to these privileges, under penalty of immediate loss of those which they may have concealed. These documents shall then be sent within the following month to Our Most Holy Congregation of Rites, which, for the proper discharge of its duties, shall examine all and each of these matters in accordance with these Our dispositions, and shall declare and determine what privileges shall pertain to them in the future.

We wish and command that all of these things remain valid and firm by Our authority; contrary provisions notwithstanding. Given at Rome, at St. Peter's, on the twenty-first day of February, in the year 1905, in the second year of Our Pontificate.

PIUS PP. X

[*Latin ed. p. 513*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF THE PARISIAN EXEMPTION, CONCERNING THE EXEMPTION OF THE CONGREGATION OF THE MISSION FROM THE JURISDICTION OF ORDINARIANS WITHIN THE INTERNAL FORUM. STATEMENT OF THE CASE. For many years, the question had been debated within the

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Congregation of the Mission of St. Vincent de Paul, concerning whether its Institute, composed solely of simple vows, was exempt from the jurisdiction of the Ordinarians with regard to the approval of confessors for its internal members. In the year 1878, the Reverend Father Fiat, the Superior General, H.S.C., proposed the following question: "Whether the priests of the Congregation of the Mission, designated by the Visitor in each house to hear the confessions of their confreres, receive jurisdiction directly from the Superiors, by virtue of an exemption granted by the Ordinarians through Apostolic Briefs; or whether it is necessary that they be approved by the Ordinary, according to the prescriptions of the Rules, and the opinion of almost all the Italian Missionaries." And the Holy Congregation, on September 23, 1881, having reformulated the question ex officio, considered it appropriate to respond: "Whether a member of the Congregation of the Mission can, without the permission of the Superior, validly administer sacramental confession to an external priest who has been approved, when he could easily have a confessor within the Congregation," the answer was: "No" (i). However, this opinion did not please several priests of the same Sodalitas, who, maintaining that the Holy Congregation had not intended to resolve a general question, requested and finally obtained a new hearing, and the controversy was reopened under the following questions. (1) Cf. Acta S. Sedis, vol. 14, p. 271-274.

[*Latin ed. p. 514*]

From the Decrees of the Sacred Congregation for Bishops and Regular Canons regarding exemptions. The advocate, who defends the exemption even concerning confessors to be approved, primarily argues based on the force of res judicata, which carries the greatest weight, and moreover, this was confirmed in 1894 by a response from the Holy Sacred Congregation to the Society of the Most Holy Redeemer in a similar case (i). Then, the advocate strives to prove his thesis based on the very fact of total exemption from the power of the Ordinary, namely: 1°) from the Bull of our Holy Father Urban VIII, dated January 12, 1632, in which the Pope, after stating that the members of that Congregation "are subject to their Superiors in matters of discipline and direction," adds: "But that they should be subject to the Ordinaries of the places, even in matters of missions... so that in all other respects, the aforementioned General Superior has complete superiority and authority over all houses... and all persons." Here, according to him, it is not a question of economic and administrative power, but of jurisdictional power, since it must certainly be presumed that Urban VIII granted the exemption according to the request made by St. Vincent, which is of the following tenor: "That the aforementioned Prefect, priests, and all persons... be freed from the jurisdiction of their Ordinaries, as far as is pleasing to the Most Holy Apostolic See." 2°) from the Brief *Ex Commissa Nobis*

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of Alexander VII, dated September 22, 1655, concerning the Missions, in which it is written: "We decree that the aforementioned Congregation be exempt from the subjection to the Ordinaries of the places in all things, except that... they remain subject to the said Ordinaries only in matters of missions and those things pertaining to them, and that the aforementioned Congregation... be considered part of the secular clergy." Indeed, the advocate states: (i) Whatever may be the present controversy concerning the Congregation of the Missions, it is certain that in the Institute of the Most Holy Redeemer, confession made to an internal priest approved only by the Ordinary, or even to an external confessor without the permission of the Superior, must be considered not only illicit but entirely invalid. The reason is that the missionaries, through Briefs such as the Apostolic Brief of the Most Holy Pope Pius VII, dated September 16, and the Brief *Sacrosanctum Consilium* of Pope Pius VI, dated August 21, 1789, and *Qui* of 1807, obtained full exemption from the jurisdiction of the Ordinaries; as the Holy Sacred Congregation legally declared on September 16, 1864 (N. R.).

[*Latin ed. p. 515*]

Parisian. 51 5. This discourse concerns true exemption in the sense of law, because subjection and jurisdiction, like buying and selling, are correlative terms, in which one implies and includes the other. Nor is a specific formula prescribed by law for granting exemption, since any words are sufficient that clearly express the will of the Pontiff, as Boniface VIII declares (Lib. V, tit. 7, cap. 10, in 6°): "If, when granting the privilege of exemption to a church or monastery... the Pope asserts that the church itself is exempt... or if he says it indefinitely... then that church must be fully considered exempt." This is fully confirmed by the subsequent Pastoral Brief of the same Pope, dated October 5, 1662. 3) From the Brief *Exponi Nobis* of Benedict XIII, dated February 17, 1725, in which the faculty and practice were confirmed: "To the Superiors of the aforementioned Missionary Congregations, letters of dispensation may be granted to their subordinates... in virtue of the Apostolic Constitutions *fel. rec.* of Urban VIII and Alexander VII... by which the said Congregation is found exempt from the jurisdiction of the Ordinaries, except for matters pertaining solely to the Missions." This is affirmed by the Brief *A equa Apostolicae* of Benedict XIV, dated April 5, 1744, where almost the same words are read. The faculty for Missionaries traveling to receive the sacraments was granted by a Brief of the Apostolic See of Clement X, "for the sake of greater caution," as is indicated there, given certain doubts. However, it often happens that the Holy See grants faculties that are not strictly necessary; a typical example is found in the Decretals (Lib. V, tit. 28, cap. 16): "Lest the danger of delay in penance threaten souls, we permit Bishops and other Superiors, as well as lesser Prelates, who are exempt, to choose a confessor, even without the permission of their Superior, provided that they do so prudently and discreetly."

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Finally, the advocate refers to the use of full exemption, which has been in force in the Missionary Congregation since the time of its Founder.

[*Latin ed. p. 516*]

5i6 From the Congregation of Bishops and Regular Canons. Indeed, he requested exemption from Urban VIII, and at least obtained it from Alexander VII, as appears from what has been said. Moreover, he accepted this exemption purely and simply; either because in the Alexandrian Brief, a mandatory provision is found: "We decree..."; or because St. Vincent possessed it as a gift from God, as is evident from his own letters to the Lords Joly and Platiron; or because, in fact, he exercised it by approving internal confessors, as testified by the Rule for Visitators, published immediately after the Brief of Alexander VII: "It is incumbent upon the Visitor in each house... to appoint and dismiss two of our regular confessors. He will also designate external confessors, but only after obtaining the approval of the Ordinary." Where, as is evident, no mention is made of the approval of the Ordinary with regard to internal confessions. And if St. Vincent decreed in the common Rule: "No one among us may hear the confessions, either of our own or of outsiders, unless he has been approved by the Ordinary," this was ordered before the full exemption was obtained; and he did not change it afterwards, especially in order to consult with the Archbishop of Paris; even more so because the approval of the Ordinary properly implies a declaration of suitability to hear confessions, and is not always joined with the granting of jurisdiction. Furthermore, the total acceptance of the exemption, although it could not be said to be necessary, was given in the General Chapter of 1668, where "Certain Apostolic Briefs... especially... concerning our subjection to the jurisdiction of the Ordinaries... were read; and these Briefs were accepted." This practice, namely, of approving confessors, was faithfully maintained by the successors of St. Vincent, especially the Lords Almeras and Joly, the second and third Generals, and, if necessary, defended by them. However, in the Chapter of 1890, no acceptance of the decision of the Holy Congregation of [Date] September 23, 1881, should have been made, because it referred only to a non-extensive but merely declaratory interpretation. Finally, according to the advocate, the contrary practice of hearing confessions, even among external priests, could not be lawful.

[*Latin ed. p. 517*]

Parisian. To introduce a prescription against the Superiors is not permissible, both because it is based on a tacit and imprudent agreement on their part, and because it contradicts the common Rule, which states: "Priests are to confess twice, or at least once, each week to one of the confessors appointed for that purpose in the house, and to no others without the permission of the Superior."

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Reasons against the exemption. The proponent of the exemption only partially observes that this Institute, being "of the body of the secular clergy," according to Alexander VII, and of simple vows, derives its force from the Constitution of Benedict XIV, and is subject to the jurisdiction of the Ordinaries in the internal forum, unless it enjoys a special privilege from the Holy See. However, this privilege has never been granted.

1. Not from the Urbanian Bull, in which it is granted only that St. Vincent requested, namely, submission to the Superiors "with regard to direction and discipline," and to the Ordinaries of the place "with regard to missions only"; all of which concerns only the external forum. Moreover, according to the proponent, the words of the same Constitution, which grant to the Superiors "all manner of superiority and authority" over their subjects, must be understood not absolutely, but relatively; as is explained below, namely: "to remove them, to transfer them, to change them, etc."

2. Nor from the Alexandrian Briefs, in which only the simple vows are mentioned, but nothing is changed with regard to the exemption. This is evident from the very word "submission," which the Pope uses, which is different from "jurisdiction": submission is a disposition of the mind to obey the Superiors, whereas jurisdiction is the power to govern the subjects; the former concerns external acts, the latter also concerns internal matters. And it was against this exemption in the external forum that St. Vincent requested from the Pope, against the Archbishop of Paris, who claimed to himself "all manner of jurisdiction and authority, both in spiritual and temporal matters" in the approval of the Rule.

Furthermore, the proponent continues, according to Schmalzgrueber (Part III, title 33, no. 8), it is also possible, according to common law, that this [exemption] be the subject of a privilege, when the Acts of the Holy See, Vol. XXXVII, page 8, 33.

[*Latin ed. p. 518*]

From 5, 18. To the Bishops and Regular Canons, something special is granted in this case, which certainly bears the mark of a privilege. But, the advocate argues, the exemption is clearly established by the Brief of Clement X concerning the Apostolic Mission, which, granting favor to the prayers presented by the Most Reverend Almeras, the immediate successor of St. Vincent, decreed that those who travel should be able to confess to one another: "But that they should find approved confessors in the dioceses where they usually reside, or from which they have departed...; although those approved confessors may not be approved in the very dioceses in which they are found while traveling." And since this faculty is granted only to those who travel, it necessarily follows that all others do not enjoy any internal exemption. Furthermore, according to the same document, complete exemption is opposed to the Common Rules, which state: "As it is not permitted to any of our members, unless approved by the Ordinary,

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to hear the confessions, whether of our own or of outsiders." The objection of the adversaries, who say that this concerns only the lawfulness, and not the validity, is not valid; for in the Rules, the same condition is applied to both confessions; but the confession of outsiders is invalid without the approval of the Ordinary, therefore also the confession of those within. Although a privilege of total exemption were granted, it would still be opposed by a custom established for almost three centuries. For, he himself states, St. Vincent never accepted such a thing, but rather, he handed down the Common Rules, which he wished to be observed "exactly as they are," so that every Superior General would be bound to swear to observe them. The will of the Founder was religiously observed, so that in the Statutes of 1849 it is written: "That no change whatsoever should be admitted in the Constitutions or Common Rules." And the practice of dependence on the Ordinaries with regard to confessions has always been valid, and even today it prevails in all Provinces, not excluding France; for this, the Most Reverend Almeras, and even Bonnet himself, bear witness, although he erroneously admits that the Congregation of the Mission enjoys the privilege of approving internal confessors and granting...

[*Latin ed. p. 519*]

The Parisian [Order] grants dispensations, but adds: "With which [privileges] we do not make use in France, lest we incur offense to the Ordinaries." A document signed by the Prefect Etienne dates from 1863, in which full exemption is asserted for the first time, but in its wording, some alteration occurred, and there were also several errors, so that Etienne himself did not submit it for approval at the General Chapter of 1843, and the current Prefect has requested, through circular letters dated 1884, that notification be made to him of the errors contained therein. Furthermore, according to the proponent, the Rule of Visitors does not apply, because, all other things being omitted, the word "constitute" used there does not mean to approve or to confer jurisdiction, but only to choose and designate.

The Opinion of the Consultant. After considering the arguments of both sides, he believes that the opinion against exemption in the internal forum should be preferred, because the other opinion is based on a rather uncertain interpretation of the Alexandrian Privilege, while his own, besides presenting the most reasonable interpretation of the Alexandrian Privilege, adheres to the common Rule, which is the Founder's will, as well as to custom. Therefore, he concludes: "The Congregation of the Mission is an institute of secular priests, and it must always remain so, whatever privileges may be granted to it; indeed, the Superior of the Congregation may possess the power of governance, but not ecclesiastical jurisdiction, which entirely resides with the Bishop." Hence, he answered the following questions: "With prior reservation of opinion from previous decisions, the rule must be observed, according to which confessors of the members of the

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Congregation of the Mission must also be approved by the Ordinary of the place, so that the confession may be valid, and that they may validly absolve in confession under any confessor approved by the Ordinary of the place."

Doubts. I. delia S. Should the decision of the Most Reverent Fathers of September 23, 1881, in case (i), be confirmed or revoked? And as to the first, negatively; and as to the second, affirmatively: (1) In Latin: Whether the decision of September 23, 1881, in case (N. R.) should be confirmed or revoked. S. C. EE. et RR.

[*Latin ed. p. 520*]

520 From the Sacred Congregation of Bishops and Regular Canons, II. Whether the dependence of Missionaries on the jurisdiction of the Ordinary extends to other matters of internal forum (r). Resolution. And the Most Holy Congregation, after mature deliberation, responded on December 2, 1903: "With regard to points I and II mentioned above, the intention is that members of the Congregation of the Mission may validly confess to any confessor approved by the local Ordinary, provided that they explicitly state this intention. Having been informed by the undersigned Cardinal Prefect of the Sacred Congregation of Bishops and Regular Canons regarding these matters concerning Our Most Holy Lord Pope Pius X, His Holiness approved and confirmed the resolution of the aforementioned Sacred Congregation on December 24 of the same year, 1903. D. Card. FERRATA, Prefect."

1. Congregations of simple vows, unless they enjoy a special privilege, are subject to the authority of the Bishops in matters of internal forum, according to the Constitutions *Emanavit Benedicti XIV* of the year 1749 and *Conditae a Christo Leonis XIII* of the year 1900 (2).

2. It is established by numerous pontifical documents that the Congregation of the Mission of St. Vincent de Paul has been granted a privilege of full exemption from the jurisdiction of the Ordinaries.

3. However, whether such a privilege, with regard to confession, still remains fully in force today, cannot be definitively determined for several reasons.

4. Therefore, the Sacred Congregation, being more inclined to foster freedom of confession than to restrict it, and having obtained the authority of the Pontiff for caution, has issued a judgment regarding the validity of confession in this case.

5. Furthermore, a license from the Superior, or at least a just cause, is required.

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(1) In Latin: *datur ad alias An quoque Missionariorum materias fori subiectio interni (N. iurisdictioni Ordinariorum R.)*.

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(2) See *Acta S. Sedis*, vol. 33, p. 341, and specifically p. 345, § V.

[*Latin ed. p. 521*]

From the Sacred Congregation of the Council, Aliphans. Concerning the interpretation of the Decree regarding Manual Masses.

Most Blessed Father, the Bishop of Aliphans humbly requests a solution to the following doubts, which pertain to the Decree, duly promulgated by the Sacred Congregation of the Council on May 2nd, 1904 (i).

I. Whether Masses, which, by perpetual obligation, belong to a church, monastery, confraternity, or other pious place, but are not established in any particular church, so that any priest may, at the discretion of the administrators, apply them anywhere, ought to be included among the endowed or, rather, the manual Masses, for the effect of the Decree?

II. Whether priests, to whom the rectors or administrators of churches entrust the fulfillment of one or more legacies of Masses, pertaining to endowed churches, may, at their own discretion, entrust the celebration of those Masses to other priests, even with a smaller alms, and even outside their own church?

III. Whether priests enjoying a chaplaincy, whether ecclesiastical or lay, may entrust the celebration of Masses of their chaplaincy to other priests, with a fixed alms, at their own discretion?

IV. Whether the Bishop may, under the censures of latae sententiae, compel priests, beneficiaries, and administrators of pious places, at the end of each year, to deliver to him the Masses for which they have not fulfilled their obligations within the year, and may prohibit them, under the same penalties, from assigning those Masses outside the diocese?

(i) Cf. Acta S. Sedis, vol. 36, p. 672.

[*Latin ed. p. 522*]

From the Sacred Congregation of the Council, December 10, 1904. The Sacred Congregation of the Council of Trent judged that the aforementioned doubts should be answered as follows: To I: They are to be held as examples. To II: It is not possible. To III: Negatively, and the provisions of Article XV of the aforementioned decree are to be observed. To IV: The Bishop can proceed against those who transgress Article IV of the aforementioned decree, observing the laws that are to be observed, even with censures.

Vincentius Cardinal, Bishop of Praeneste, Prefect.

L. Caietanus De Lai, Secretary.

OF THE SOCIETY OF THE MOST HOLY SAVIOR

Concerning the Decree "On Observances."

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Most Blessed Father,

Father Pancratius Pfeiffer, General Procurator of the Society of the Divine Savior, prostrates himself humbly before Your Holiness and explains as follows:

The Society of the Divine Savior receives a large number of Holy Masses each year, which it is accustomed to fulfill through its priests. Until now, the Society has enjoyed the privilege of being able to fulfill obligations of Masses to be celebrated, except for urgent Masses, within six months; and if it cannot celebrate these Masses through its own priests, it was permitted to hand them over to the Sacred Congregation of the Apostolic Visitation with a reduced fee of one *libella*, delivering one-fourth of these Masses with their full fees.

Since the Society, which is in great need of the help of friends and benefactors, cannot refuse Masses offered by letter without great inconvenience and damage, the humble petitioner earnestly implores:

[*Latin ed. p. 523*]

From the Sacred Congregation of the Council, 523 I. That the aforementioned Society may, even in the future, be able to accept any Masses, even if it foresees that it may not be able to have them celebrated by its own priests. II. That it may fulfill its obligations for the Holy Masses within three months, except for those that are urgent and those that it has received and must pay immediately. III. That a written attestation of the Masses received, even if not yet paid for, given by the Society itself, will release the Society from all obligation before God and the Church. IV. Finally, the same humble petitioner implores that the Society may be able to retain a portion of the Holy Masses, established by the Holy See, for the benefit of the Marian College of the same Society in Rome. February 27, 1905. Sacred Congregation of the Council of Trent. Interpreter, exercising the powers granted to him by His Most Holy Father Pope Pius X, considered that the following doubts should be answered as follows: To I. Affirmative, but with the prohibition of diligent collection, that is, so that it may receive Masses offered spontaneously, but in no way seek them out from Bishops or priests. To II. Granted, according to the request. To III. For Masses given to the Holy See, to diocesan Bishops, or to the Superiors General of Orders or Religious Congregations, affirmative. For Masses entrusted to private priests, negative, and the provisions of the Decree *De Observandis* must be observed. To IV. Granted, the retention of two Masses for each hundred, valid for five years. Present: Vincentius Card. Ep. Praenest., Prefect. L. +$● S. Caietanus De Lai, Secretary.

[*Latin ed. p. 524*]

From the Sacred Congregation of the Council, 524, concerning doubts about the stipends for Masses.

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Most Blessed Father, the Bishop of St. Deodati, humbly prostrating himself before Your Holiness, presents the following:

I. It has been the custom in his diocese that vicars residing in the parochial rectory do not redeem their pension with money, but rather offer alms to the parish priest, consisting of their daily Masses, whether said or sung. The question is asked whether this custom can lawfully be maintained.

II. By virtue of several Indulgences, the same Bishop can grant to the priests of his diocese the faculty of receiving alms either for a second Mass, or for Masses on the days of feasts suppressed in France, provided that the aforementioned alms are applied to pious works within his diocese. Furthermore, following in the footsteps of his three predecessors, the same Bishop has granted to the priests that whatever the amount of the alms may be, it shall not be sent to the episcopal chancery, except for the synodal alms, that is, the sum of 150 livres. The question is asked whether this concession of the Bishop is legitimate.

February 2, 1907.

The Sacred Congregation of the Council, after considering the proposed doubts, deemed it fitting to respond as follows:

To I: Affirmative, provided that and as long as no abuse or other excess arises in this manner, over which the Ordinary shall be vigilant.

To II: Negative.

[Signed] Vincentius Card. Ep. Praenest, Prefect.

[Signed] S. Caietanus De Lai, Secretary.

[*Latin ed. p. 525*]

From the Sacred Congregation, Session 525, of the Council of Lviv. Regarding the interpretation of the Decree "Concerning Observances."

Most Blessed Father, the Archbishop of Lviv of the Ruthenian Rite, referring to the Decree of the Sacred Congregation of May 2, 1904, concerning manual Masses, humbly requests a solution to the following doubts:

I. Whether, according to article 2, the following terms of payment can be established: up to 10 Masses, one month; up to 20 Masses, two months; up to 40 Masses, three months; up to 60 Masses, four months; up to 80 Masses, five months; up to 100 Masses, six months; and so forth, adding one month for every 20 Masses.

II. Whether these terms are to be understood separately with regard to each individual who offers a stipend, or whether they can also be understood cumulatively with regard to all those who offer stipends on a particular occasion, e.g., during a solemnity; so that if stipends are offered at that time by 100 donors, each for one Mass, then all these Masses must be fulfilled within a term of six months.

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III. Whether, in the case of article 7, for priests who receive stipends from the Ordinary, the terms begin not from the day on which the primary donors gave the stipends, but from the day on which the Ordinary granted the stipends to them, by concession of the Apostolic See.

IV. Whether these stipends, even though given by multiple donors, are to be considered, in the case of article 7, as having been offered by the Ordinary alone.

V. Whether it is permissible for the Ordinary to prescribe a common, general intention for all these Masses (in accordance with the intention of those who give), even if the primary donors had specified particular intentions.

[*Latin ed. p. 526*]

526 From the Sacred Congregation of the Council, dated February 2nd, [year unspecified]. The Sacred Congregation of the Council of Trent, having considered the proposed questions, judged that the following answers should be given:

To I: The matter is to be left to the discreet judgment and conscience of the priests, according to the decrees and rules handed down by approved doctors.

To II: Affirmative to the first part; negative to the second, unless otherwise it is known that this is the will of the donors.

To III: Affirmative, that is to say, the obligation begins from the day on which the priests receive from the Ordinary the permission to celebrate Masses.

To IV: The Bishop should take care, as far as possible, that the Masses, received from many, are fulfilled by many priests at the proper time.

To V: It suffices that the priests celebrate according to the mind of the Ordinary; who, however, must form the intention for each of the offerers, according to the rules handed down by approved authors of moral theology. It is, however, better if the intentions prescribed are made known to the priests.

Vincentius Card. Ep. Praenest., Prefect.

L.

S. Caietanus De Lai, Secretary.

CONGREGATION OF THE HOLY SPIRIT

Requests concerning the Decree "On Observances."

Most Blessed Father, the Superior General of the Congregation of the Holy Spirit humbly requests:

I. Whether, in article 7 of the Decree "On Observances" of May 11, 1904, under the title of "Ordinaries," do Regular superiors also apply to their

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respective subjects?

[*Latin ed. p. 527*]

Barcelona. 52, 7 II. Concerning Bishops of dioceses and Regular Prelates: Those Bishops or Regular Prelates who have entrusted the celebration of Masses, along with their alms, to other Bishops or Regular Prelates, are considered to be relieved of all obligation before God and the Church; or rather, are they bound by an obligation until they have ascertained the faithfulness of the completed celebration? On February 27, 1909, the Sacred Congregation of the Council of Trent judged that the following should be the response to the proposed doubts: To I. Affirmative. To II. Affirmative regarding the first part; and negative regarding the second. Vincentius Card. Ep. Praenest., Prefect. L. "S. Caietanus De Lai, Secretary.

BARCELONA. CONCERNING PAROCHIAL RIGHTS. Regarding the privilege of the Chapter of the Cathedral of Barcelona to exercise certain parochial rights, and regarding the rights of a non-parochial church to perform non-parochial functions, and regarding the right of the proper parish priest concerning funerals in the Hospital of the Dead.

Statement of Facts. From the most remote times, the Chapter of the Cathedral Church of Barcelona has, in conjunction with the parish priests, exercised certain parochial rights, namely:

1) The administration of Baptism to any infants, whether of the city or of the diocese, brought to the Cathedral, by their own hebdomadaries, without any obligation to inform the parish priests;

2) The distribution of the Viaticum, as well as to those serving in the Cathedral.

[*Latin ed. p. 528*]

528. From the Sacred Congregation, and also from noble and qualified individuals, having previously obtained the license of the Vicar General; 3). To distribute the Eucharist during the Paschal season and to deliver the certificate of fulfillment of the precept; 4). To assist at the marriages of the faithful of any parish, without the requirement of the parish priest, and with only the permission of the Ordinary; 5). Finally, to perform the rites of blessing, association, funeral, and burial, not only for the benefit of the clergy and others of the Cathedral, but also for any faithful who had chosen a particular or family burial place, or who were pilgrims or travelers; and to perform these rites without regard to the fourth funeral rite reserved to the parish priest of the deceased. Due to the exercise of these rights, serious controversies arose between the Chapter and the parish priests, which were ultimately brought before the Sacred Roman Rota, which declared on several occasions that the aforementioned rights pertained to the Chapter of Barcelona, not from the cumulative exercise of comp parochiality, but rather from a privilege resulting from custom or prescription of more than

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a century. However, the appeals of the parish priests did not cease; hence, in the year 1797, the matter was submitted to the judgment of arbitrators, who, while admitting other privileges of the Chapter, nevertheless denied it the right to administer the Paschal Communion, and left the question of the fourth funeral rite unresolved. Notwithstanding this judgment, the Chapter, relying on the decisions of the Rota, continued to distribute the Holy Eucharist to the faithful during the Paschal season, along with the certificates of fulfillment of the Paschal precept. Matters proceeded in this manner until the year 1851, when a Concordat was entered into between the Holy See and the Spanish Government, by virtue of which it was stipulated that Chapters could no longer exercise the care of souls. However, with the exception of other Chapters, the Chapter of Barcelona continued to exercise its privileges. In the year 1895, serious appeals were made by the parish priests of Barcelona to the Ordinary, and in the year 1899 to the Holy See, against the Cathedral Chapter for the exercise of the aforementioned parochial rights; and then against the church of the Asylum.

[*Latin ed. p. 529*]

Barcelona. 52g, commonly known as "De Caridad," where the pastor arranges for the burial of the poor who have died there, without consulting the parish priest, and does not transmit their names to him for registration in the parish's book of the dead; furthermore, in contrast to the aforementioned and other non-parochial churches, solemn funeral services are performed there, causing prejudice to the parish priests who rightfully claim jurisdiction. Deductions of the parish priests. The lawyer argues that the patron maintains that the exercise of parochial rights is exclusively reserved to the parish priest, either by common law or by particular law. Beginning with the first part of the liturgy, he observes that, above all, the baptism is legitimately administered by the parish priest, while other priests can only administer it by delegation, either from the parish priest or from the Bishop; just as it is the sole right of the parish priest to record the baptized in the baptismal register, along with their godparents, according to the Council of Trent (Session 24, chapter 2, on Reform, of Matrimony). He proves this from the Barcelona Ritual, which is in conformity with the Roman Ritual. This parochial right is so defined that neither the parish priest of the Cathedral church can prejudice it, even if the case involves converts to the faith, as Ferraris states (Bibl. can., v. baptismus, art. 4, n. ii), and Giraldi (Add. ad Barbosam, de Parocho, c. 18, n. j). However, the lawyer continues, the Cathedral church, which is a parish, administers baptism to almost all the children of the city, with serious inconveniences and great scandal to the faithful. Indeed, he says, baptism can also be administered by delegation from the Bishop, but this delegation must be rare and due to urgent necessity, as held by the Sacred Congregations and Rulers in Tranen, August 21, 1580, and in Neapolitana, December 14, 1604. Regarding

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the administration of the Eucharist, often given by canons to the wealthier members of the city, he observes, with Scavini (Theol. mor., De Euchar., n. 120), that "according to the general law and custom, it is the sole right of the parish priest to administer the Eucharist, unless there is an urgent necessity and the parish priest is not present." Indeed, as Bouix states (De parocho, part. 4, cap. 7, n. j), "even the canons administer the Eucharist and..."

[*Latin ed. p. 530*]

53. "From the Sacred Congregation: Those who are to receive the Sacrament of Extreme Unction ought to receive it from the pastor of the parish in which they reside and where they are lying ill." This principle is likewise to be maintained with regard to the celebration of marriage. It is well known that the celebrated passage from the Council of Trent (Session 24, concerning reform, of marriage), which stipulates that the parish priest alone has the office of blessing marriages and assisting at the marriages of his parishioners, is a fundamental one. No one doubts that the canons of Barcelona can, at times, assist at marriages by the delegation of the Ordinary, but this delegation ought to be rare and should occur only under particular circumstances, so that the parish priest may not suffer a loss of income; but in fact, the opposite often occurs. Furthermore, the author adds, except in the cases of a gentile or elective burial, the right of burying parishioners belongs to the parish priest himself; this is a well-established principle of law, as can be seen from chapter 10 concerning burials; Clementine Decretals, § Verum; Bouix (De Parocho, chapter 10); Van Espen (Iur. eccl. univ., p. III, title 10); moreover, he states that the right to the funeral is not necessarily connected with parochiality, and therefore, at times, it can be acquired by a non-parochial church through prescription, even a prescription of forty years, according to Scarfantonium (Addit., n. 48, pp.), and Cardinal Petrucci (Tom. II, in Const. IX Innocent. III, n. 11). However, in these cases, the fourth part of the funeral expenses is reserved to the parish priest of the deceased, according to common law; Leurenius (Por. benef., p. 1, n. 454) and Cardinal De Luca (De Par., disc. 28, n. 6); indeed, the Holy See has declared on several occasions that this right belongs to the parish priests even in the funerals of canons of the Cathedral church, as can be seen in Gallien, December 20, 1828; in Mantua, May 12, 1685; and in Tolentino, September 11, 1694. On the contrary, parish priests are not only not called to the funeral, but are also denied the fourth part of the funeral expenses. However, since a prescription of more than a century is raised in opposition, the question arises as to whether it can be admitted in strictly parochial rights; and the answer is negative, because parochial

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rights can never be extinguished, as is stated in Andrien.

[*Latin ed. p. 531*]

Barcelona. 531, 2 June 1883; in Baren, 29 June 1828; in Nullius Sub lacen, 29 June 1825, etc. Furthermore, the advocate argues that the custom invoked cannot derive its origin, neither from the tacit consent of the pastors, because, according to a well-known axiom: "he who is silent and allows [something] does not seem to consent to those things which prejudice [his rights]," and moreover, the tacit consent of predecessors cannot prejudice the rights of successors, whether of proper or alien law, as held by Cardinal De Luca (De iurisd., discourse 22, no. 4) and Reiffenstuel (Ius can., On prescription, § β′, no. 140); nor from the agreement of the parties themselves, because, since it bears the appearance of alienation, it requires the confirmation of the Holy See, as stated by Fagnanus (Lib. i, De transad, in chapter Veniens) and Cardinal De Luca (De iurisd., discourse β, no. 5), which confirmation was not obtained through the Bull of Gregory XIII in the year 1572, because it does not appear in the records, and the reason for which was not given by the Holy Rota in its decisions.

Turning to the second part of the argument, the advocate attempts to invoke the assistance of a particular law derived from the Concordat entered into by the Holy See in the year 1851 with the Spanish Government. Indeed, according to article 11: "All privileged and exempt jurisdictions of any order and denomination are abolished"; therefore, also the privileged jurisdiction of the Chapter of Barcelona. Furthermore, according to article 25: "No Chapter or ecclesiastical college shall have the care of souls; and benefices that are curates and perpetual vicariates, which previously were fully connected with some corporation, shall henceforth be subject in every way to common law." Certainly, the Cathedral Chapter falls under both parts of this provision; firstly, because, since it exercises parochial jurisdiction, it has the care of souls, according to Barbosa (De parochis, chapter i, no. ββ), and it is necessary that it also be a parish; and secondly, because it exercises this care through weekly services.

Then, from the year 1851, the advocate adds, the Chapter cannot present a colored or peaceful title to exercise the right of burial, because the pastors...

[*Latin ed. p. 532*]

532 From the Sacred Congregation, the rights concerning funerals have often been defended against those who usurp them. Deductions of the Chapter. The advocate begins by stating that this matter must be understood in such a way that the Chapter, together with the parish priests, exercises certain parochial functions, not by right of parochiality, but by a mere privilege. He then discusses the legitimate possession of certain parochial rights, either before or after the beginning of the Concordat, in order to

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conclude that the Chapter must be maintained in this possession. First, addressing the first point of his argument, he states that the Church of Barcelona is among the oldest cathedrals of the Spanish kingdom, deriving its origin from Saint James the Apostle; therefore, it is not surprising that it has been adorned with special prerogatives and privileges by kings and emperors, which were recognized in 1572 by a Bull of Gregory XIII, and subsequently, after a legitimate possession lasting three centuries, were confirmed by numerous papal decrees in the years 1730, 1731, 1732, 1735, 1777, silencing all opposing parish priests; and finally, in 1797, were confirmed by the judgment of arbitrators. The advocate then, in order to effectively achieve the second part of his argument, undertakes to prove two things: firstly, that the Cathedral has never been a parish, nor has it had its own proper care of souls; and secondly, that it was not included under the law of the Concordat. Regarding the first point, he argues that, according to Gonzalez (ad Reg. 8 Cancel., glos. 6, n. py), Guttierez (All. 6, n. 6), and others, and numerous decisions which he cites, it is well known in law that parochial churches are those which have a certain population within defined limits, and which exercise their own parochial care of souls autonomously and by private right; furthermore, according to Passerini (De Stat. et off., dist. 2, q. 18j, art. 4, n. ßii), they are obligated to administer the sacraments by virtue of their office, and in turn, the parishioners are bound to receive the same sacraments from them. But in the case of the Cathedral, neither a distinct population nor a proper care of souls is held.

[*Latin ed. p. 533*]

In Barcelona. 533. Rochus, et al., ministrant sacramenta libere et solum cum voluntate praesentium. Ipse enim, dicit patronus, S. Rota, anno 1735, fundamentum iuris Capituli ad exercendum haec iura parochialis non posuit super titulum parochialitatis, sed super possessionem quae ultra centenariam est. Denique, dicit, parochialitatem excludi oportet, sive quia numquam ecclesia Cathedralis inter parochiales recensita invenitur, sive quia in praefatis sacramentis conferendis semper requiritur licentia Ordinarii, sive quia hoc in extrema Synodo declaratum est. Transiturus ad secundum punctum suae thesis, patronus rem confirmat praesertim ex articulo 25 Concordati, ita se habente: "Nullum Capitulum aut Collegium ecclesiasticum poterit habere curam animarum; ideoque beneficia curata et vicariae perpetuae, quae ante pleno iure alicui Collegio coniunctae erant, deinde iuri communi omnimode subiiciantur"; sed, juxta superius notata, Capitulum Barcinonense nec parochialitatem gerit, neque beneficium curatum cum cura animarum aut Vicariam adnexam habet, ergo dispositio Concordati in ipsum cadere non potest. Quid enim, inquit, facesset quod Capitulum exercere valeat aliqua officia parochialis? Quia sensus articuli non respicit quodlibet exercitium curae animarum, etiam partiale, sed tantum plenum exercitium. Argumentum allatum confirmatur ex facto

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quod Episcopus Barcinonensis Ioseph Costa et Borras, qui fuit unus ex collaboratori Concordati, numquam privilegia Capituli revocavit, quinimo ea confirmavit. Nec aliter se gesserunt successores Praesulis, manifestum in Synodo dioecesana 1890, cuius dispositiones Episcopus Catalá declaravit non afficere suam Cathedralem. Quibus addit, patronus, quod articulo 26 Concordati praescriptum est concursum pro paroeciis, et articulo 25 Conventionis supplementaris anno 1859 etiam nova circumscriptio paroeciarum; sed haec aliis quidem ecclesiis applicata fuerunt, non autem Cathedrali. Denique, patronus conatur diluere quaedam difficultates, quarum prima est Capitulum, per introductionem publici coemii.

[*Latin ed. p. 534*]

53. 4. Ex decreto Sacrae Congregationis Concilii tertii, privilegium tumulandi amissum esse. Hoc impugnat advocatus, quia ex constitutione publici coemeterii, tantum locus sepulturae materialiter mutatus est, sed iura immutata manserunt. Item, nihil in calculo habendum est aliud obiectum ad impetrandam legitimitatem praescriptionis post publicatum Concordatum, tum ob malam fidem, tum quia leges Concordatariae non sunt praescriptioni obnoxiae. Nam, ait advocatus, ad confirmandam in Capitulo bonam fidem, omnes rationes concurrere videntur, quae allatae sunt pro statuenda in eodem manutentione possessionis privilegiorum. Praeterea, leges Concordatariae praescribuntur, si considerentur, non sub aspectu quo moderantur relationes inter duplicem potestatem, sed sub alio aspectu, quatenus nempe moderantur relationes cum subditis, et ius commune privatum efformant. Demum, advocatus refellit querelas parochorum, praesertim quoad administrationem baptismi et funerum celebrationem. Non enim, ait ipse, invenitur incommodum in eo quod baptismus conglobatim seu pluribus simul personis conferatur, quia hoc est iuxta praescriptionem Ritualis Romani (Tit. 2, cap. 2, n. 2); neque incommodum habetur in hoc, quod parochis non relinquatur notula baptizatorum, sive quia eiusmodi notitia hauriri potest tum ex libris baptizatorum Capituli tum ex censu animarum, sive quia haec notula neque traditur a Capitulo Patriarchalis Basilicae S. Petri. Si aliqua praeterea incommoda oriuntur ex funerum celebratione, id contingit, concludit patronus, quia parochi pro iis persolvendis in propriis ecclesiis ingentes taxas exigent.

Animadversiones ex officio. Modo nonnulla sunt addenda circa duas alias quaestiones funerarias, quas parochi Barcinonenses habent cum aliis ecclesiis non parochialibus, et praesertim cum beneficentiae Asylo Casa de Caridad. Prima quaestio invenitur in quodam usu Barcinonae invalso, ut quando aliquis moriatur, in paroecia officium funebre et missa exequialis

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peragantur, et postea, die non impedita.

[*Latin ed. p. 535*]

Barcelona. 535. It is asked whether a solemn funeral can be celebrated in other non-parochial churches, as is customary in these churches to celebrate the anniversary, or other funeral services, such as on the third, seventh, and thirtieth days after the death of the deceased. Now the question arises whether such more solemn funerals can be celebrated in these churches, even if the parish priests object, or at least if the fourth part of the funeral tax is paid. It seems that a negative answer should be given to the first part of the question; either because such churches cannot claim any privilege or prescription against the parish priests; or because funerals are considered in law as an accessory and part of the ecclesiastical burial, hence the axiom: "Where the tomb, there the funeral"; or because these more solemn funerals, due to their lower cost and within the parish, clearly constitute a detriment to the rights of the parish; or because they have been repeatedly disapproved of by the Ordinaries of Barcelona. It also seems that a negative answer can be given to the second part of the question; the reason being that, as stated above, these churches, since they do not have the right of burial, cannot have the right to perform funerals, nor can they obtain it by paying a portion of the canonical tax, which does not grant but rather presupposes the right to perform funerals in the church. Finally, with regard to the second dispute with the rector of the Asylum of Charity concerning the transfer of the bodies of the poor from the hospital to the cemetery without the consent of the parish priest of the place where the deceased lived, and without the name of the deceased being recorded in the parish register of the dead, the following should be noted. According to chapter j, "Those who...", in De sepulturis, in paragraph 6, the parish priest has a well-founded right regarding the funerals of the deceased within the limits of his own parish. This is also stated in chapter i, "Our statutes"; and chapter io, "In our...", De sepulturis. But the right of burial, as Many notes (De Locis sacris, title /f, chapter ß, no. ijf), consists primarily of "the right to perform the funeral service over the body of the deceased, and the right to deposit the body in the burial place." Indeed, as the same author states (ibid., chapter 4, no. 172), the deceased who are infirm in hospitals,

[*Latin ed. p. 536*]

From the Sacred Congregation of the Council, 536, which does not grant any exemption, are subject to common law; therefore, if someone has their domicile or quasi-domicile there, they must be buried by the parish priest of the place where the hospice is located, unless the body can be conveniently transported to their own parish. However, in this case, the privilege of exemption is not applicable. Furthermore, the rector of the hospice cannot retain a book in which those who die there are recorded, since

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this duty belongs to the parish priest of the deceased; moreover, these attestations of the deceased, made by a chaplain, have no validity before civil law. Regarding both abuses of asylums, a decree of the bishop was issued on October 12, 1869. Doubts. I. Whether and how the Chapter of the Cathedral Church of Barcelona should maintain possession of the exercise of cumulative parochial rights with the parish priests of the city in this case. II. Whether the rector of a pious house, and the rectors of certain other non-parochial churches, have the right to perform more solemn funeral rites after the proper funeral has been celebrated in the Cathedral Church or in their own parish in this case. III. Whether they can at least pay the parish priest a fourth of the funeral expenses in this case. IV. Whether the rector of the aforementioned pious house can entrust the bodies of the poor who reside there to the earth without informing the parish priest, or at least whether the names of the deceased should be transmitted to the parish priest for recording in the book of the dead of his parish in this case. Resolution. The Sacred Congregation of the Council, having carefully considered all matters, decided on August 27, 1904, to respond as follows: To I. Affirmative, and with the understanding: and the understanding is that the Most Reverend Bishop should proceed very cautiously in granting the indulgences mentioned, and should establish a single and equitable fee to be observed both by the Cathedral and by all churches in the city, so that no one may ask for more, nor demand less. To II. Affirmative. To III. Provided for in the preceding.

[*Latin ed. p. 537*]

Barcelona. 53 7 Ad IV. Negativo, et teneatur Decretum Episcopi diei 12 Octobris 1869. Collige: 1°. In propria dioecesi, Episcopus, sive ipse, sive per sacerdotes quoscumque, sacramenta ministrare potest; sed delegatio ista, cum in praeiudicium iurium parochialium vergat, raro tantum et legitima causa concedenda est. 2°. Hoc enim munus sacramenta ministrandi parocho tantum demandatum est: « a quo solo (fideles) licite sacramenta suscipiant », juxta Conc. Trid. (Sess. 24, cap. 13 de Reform.). 3°. Quamvis parochus proprius quoad funera suorum parochianorum intentionem in iure fundatam habeat, haec tamen non eam vehementem iuris praesumptionem inducit, ut ius funeris cum parochialitate necessario connecti debeat, et hinc etiam per quadragenariam saltem praescriptionem cum titulo colorato ab ecclesia non parochiali acquiri nequeat. 4°. Sed parocho defuncti proprio quarta funeraria ex iure communi reservata est, etiamsi de funeribus canonicorum ecclesiae Cathedralis agatur, nisi privilegium vel legitima consuetudo obstet. 5°. Capitulo Cathedrali Barcinonensi ius nonnulla munera parochialia exercendi competit ex privilegio a consuetudine plus quam centenaria firmato, quod etiam post Concordatum Hispanicum a. 1851 perseverare dicendum est, cum hoc plenam animarum curam penes Capitula existentem dumtaxat aboleverit, non autem partiale aliquorum

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iurium parochialium exercitium. 6°. Prima defunctorum funeralia ad ius parochiale pertinent; quibus proinde, etiam absque Missa exequiali, persolutis, eadem in qualibet alia ecclesia iterari possunt, et ipsa exequialis Missa celebrari valet, nulla soluta parocho quarta funeraria.

[*Latin ed. p. 538*]

538 From the Sacred Congregation of Propaganda Fide, Decree 7: Funerals of the deceased in hospitals that are not exempt [from certain regulations] pertain to the parish priest of the domicile or quasi-domicile, or even to the parish priest of the place where the hospital is located, if it is not convenient to transfer the bodies of the deceased there.

FROM THE SACRED CONGREGATION OF PROPAGANDA FIDE, DECREE: To the Bishops of England, the following faculty is granted: to elevate to the dignity of honorary canons of the cathedral chapters those canons who renounce their office. The Archbishop of Westminster and the other Bishops of England have requested this faculty from this Holy Congregation, so that, if it should happen that any of the titular canons of the respective cathedral chapters, due to infirmity or advanced age, wish to renounce their office and the duties attached to it, that the same canon who renounces may be nominated as an honorary canon in the same chapter, so that, retaining the canonical insignia, title, and honor, he may relinquish all other offices and rights. Furthermore, although no one is, by necessity, compelled to relinquish their canonry due to infirmity or old age, since it is to be considered a perpetual benefice, nevertheless, if any of the canons of the cathedral chapters in England, for the aforementioned reasons, freely and spontaneously, with the consent of the Bishop, wish to renounce their canonry, this Holy Congregation deems it fitting to grant the respective Bishops the faculty to co-opt him, after having heard the chapter, among the honorary canons, provided that there never be more than three. This opinion was reported to His Holiness Pope Pius X by the undersigned Secretary of the same Holy Congregation, as follows:

[*Latin ed. p. 539*]

From the Sacred Congregation for the Propagation of the Faith, document 539, dated June 23rd, His Holiness benignly approved and ratified, and ordered the issuance of the present Decree concerning the matter. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on July 7th, 1904.

F. R. H. M. Cardinal GOTTI, Prefect.

L. S. Aloisius Veccia, Secretary.

DECREE: Concerning the erection of the Prefecture of "Borneo, Netherlands," and its assignment to the care of the Capuchin Fathers.

In order that the Catholic religion may experience new growth in those numerous and extensive islands which, under the name of the Dutch In-

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dies, constitute the Apostolic Vicariate of Batavia, and that the light of the Gospel may begin to shine upon those peoples still dwelling in the wilderness, the Most Holy Fathers of this Congregation, having held their General Assemblies on January 23rd, recently passed, deemed it fitting to separate the entire territory of the island of Borneo, which is now under the dominion of the Netherlands, from the aforementioned Vicariate of Batavia, and to erect a new Apostolic Prefecture there, to be called "Borneo, Netherlands," and to entrust it to the care of the Order of the Friars Minor of the Conventual Observance of Saint Francis, commonly known as the Capuchin Fathers.

This opinion of the aforementioned Fathers was reported by the undersigned Secretary of this Holy Congregation in an audience on February 7th, and was deigned to be benignly approved and ratified by Our Most Holy Lord Pope Pius X; and He commanded the issuance of the present Decree concerning this matter.

Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on February 11th, 1905.

F. R. H. M. Cardinal GOTTI, Prefect.

Aloisius Veccia, Secretary.

[*Latin ed. p. 540*]

From the Sacred Congregation of Rites, 540. FROM THE SACRED CONGREGATION FOR RITES, CONCERNING THE CLERIC REGULAR MINISTERS OF THE SICK. Regarding the Indult for fulfilling the Votive Office: with the Mass of the Immaculate Conception on the first Saturday of each month.

The Reverend Father Procurator General of the Cleric Regular Ministers of the Sick, humbly prostrating himself before the Most Holy Lord Pope Pius X, having recently convened the General Chapter in the City, implored with fervent prayers that His Holiness would deign to transfer and extend the privilege granted to the entire Congregation in the year 1765, namely, to fulfill the votive Office with the Mass of the Immaculate Conception of the Blessed Virgin Mary on any Saturday of the year, provided that the feast of double or semi-double rank does not occur, or on a weekday, or on the vigil, or on the octave of a privileged feast, in the following manner: that in all houses of the aforementioned Cleric Regulars, on the first Saturday of each month, which is not impeded by a feast of the first or second class, or by any of the aforementioned weekdays, vigils, and octaves, the votive Office with the Mass of the Immaculate Conception of the Virgin Mary may henceforth be recited.

Furthermore, His Holiness, upon the recommendation of the Most Reverend and Illustrious Cardinal, Pro-Prefect of the Sacred Congregation of Rites, deigned to grant this privilege so benevolently, that to the aforemen-

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tioned Cleric Regulars it is permitted to fulfill the votive Office with the Mass of the Immaculate Conception of the Blessed Virgin Mary on the first Saturday of any month, not impeded by a feast of the first or second class, or by feasts, vigils, and octaves of the Blessed Virgin Mary that have the entire Office, nor by other weekdays, vigils, and octaves that are privileged; all rubrics being observed. Contrary provisions notwithstanding.

June 10, 1904.

L. "J" S. S.

Cardinal CRETONI, Prefect.

D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 541*]

From the Sacred Congregation of Rites, 541: DECREE Concerning the Litanies of the Most Holy Name of Jesus. The Apostolic See, having approved a single form of litanies in honor of the Most Holy Name of Jesus, has granted three hundred days of indulgence for their recitation and has decreed that they be included in the editions of the Roman Breviary. In order that, when the faithful devoutly recite these litanies, the salutary memory of the unspeakable mystery of the Eucharist might be stirred up, certain Sacred Prelates, under the leadership of the Most Reverend and Most Illustrious Cardinal Adolphus Perraud, Bishop of Augustodunum, humbly approached the Most Holy Lord, our Pope Pius X, to request that another supplication be immediately added to these litanies, after the one concerning the Ascension: "Through Thy Ascension, deliver us, O Jesus," namely: "Through the institution of Thy Most Holy Eucharist, deliver us, O Jesus." Furthermore, His Holiness, having graciously approved of these desires and prayers, which were presented to Him by the aforementioned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, for the great zeal and love shown towards the Most August Sacrament of the Eucharist, conceded that this addition and supplication to the litanies of the Most Holy Name of Jesus might be made, if desired, by the Ordinaries of the dioceses. Notwithstanding any objections. February 8, 1905. Signed, Card. TRIPEPI, Pro-Prefect; D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 542*]

Appendix H APPENDIX II ON DISPENSATIONS REGARDING RATI AND UNCONSUMMATED MARRIAGES

§ 3. Concerning the Subject of Authority

40. Since the subject of ecclesiastical authority is not unique, it must now be inquired into in whom, and indeed according to divine law, resides the authority to dissolve ratified and unconsummated marriages.

41. As is evident, there can be no question regarding the Roman Pontiff

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and the Ecumenical Council, nor regarding the hierarchical degrees of ecclesiastical jurisdiction, which are established by the Church's institution.

42. Therefore, the entire question is limited to Bishops, whom the Holy Spirit has placed to govern the Church of God (Acts 20:28).

43. The older Doctors speak of this power of Bishops. Indeed, when they attribute the power to dissolve ratified and unconsummated marriages to the Roman Pontiff, they object that if the Pope could dispense from a ratified and unconsummated marriage, so too could a Bishop.

44. Thus, SÁNCHEZ (De Matrimonio, book 2, dispute 14, no. 1), after presenting arguments in favor of the opinion he defends, namely, that the Roman Pontiff can dissolve ratified marriages, among other objections, also raises this one: "Because a Bishop could also dispense, since nothing is reserved to him, and whatever the Pontiff can do throughout the world, a Bishop can do in his diocese, unless it is specially reserved to him." Similarly, BONAFIDE (Opera, volume 1, on the great sacrament of Marriage, question 2, point 11): "Secondly, it can be objected that a Bishop cannot dispense in a ratified marriage; therefore, neither can the Pope in it, for a Bishop can in his diocese whatever the Pope can throughout the world."

(i) Cf. Acta S. Sedis, volume 39, pages 131 and 346.

[*Latin ed. p. 543*]

Appendix II 5 3 4 4 5. Sed non deerunt Doctores qui non solum per marginalia, sed etiam directamente et ex professo hanc quaestionem tractaverunt. LA CROIX (Theologia Moralis, liber 6, pagina 3, nota 414) commemorat duos, scilicet BAUNY et MENDO, qui quaestionem ex professo tractaverunt et fuerunt sententia affirmativa. 46. Sic MENDO, qui post BAUNY scripsit et cuius auctoritate utitur, instituit quaestionem: "Quaestio II, utrum Episcopus possit dissolvere matrimonium ratum et non consummatum ad evitandum damnum? (Staterà opinionum benignarum in controversiis moralibus sacramenta, praecepta Decalogi..... Lugduni 1666, dissertatio circa 12)." 47. Quam quaestionem ita resolvit: "In hac sententia (scilicet quae tenet R. P. posse solvere matrimonia rata), iudicat probabile P. Bauny, posse Episcopum (non de facto, quia illi est prohibitum) ex vi sui muneris dissolvere matrimonium ratum non consummatum subditorum. Sic enim arguitur. Quidquid potest Pontifex in toto orbe, potest Episcopus in sua dioecesi ex vi sui muneris (excepto tamen quod non potest res fidei definire, id enim ad supremum Ecclesiae caput spectat); sed Pontifex in relata sententia potest pro toto orbe matrimonium ratum dissolvere; ergo et Episcopus ex vi sui muneris potest in sua dioecesi. Consequentia est legitima. Minor est sententia quam supponimus ad praesens. Maior est doctrina valde communis eamque tradunt Abulensis, Sotus, Victoria, Aragon, Perez, Vera Crux, et alii quos refert et sequitur P. Thomas Sánchez (De Matrim., liber I, disputatio 61, nota 3). Quod semper limitandum est, nisi a iure seu a

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Pontifice prohibeatur aliquid Episcopo et reservetur soli Pontifici, ut de facto plura prohibentur et reservantur." 48. His historice praenotatis, videamus nunc quid de hac quaestione sentiendum videatur. 49. Porro hic quaestio esse nequit de casu quo solutio matrimonii quaeratur ab uno ex coniugibus, altero renuente.

[*Latin ed. p. 544*]

Appendix II 544. In this case, the matter concerns the removal of a right belonging to a third party. However, Doctors of Theology agree that the power to remove a right belonging to a third party pertains only to the supreme Prince; and thus, they state that a dispensation from an impediment hindering marriage pertains, in a privative sense, to the Supreme Pontiff. Thus, SÁNCHEZ (de Matrimonio, book 2, section 61) denies that Bishops have the power to grant dispensations from betrothals: "because the right has been acquired by a third party, which no one, except the supreme Prince, can remove." Similarly, BALLERINI-PALMIERI (Opus theol., on Marriage, chapter 3, section 3): "The power to grant a dispensation from this obligation [of betrothal], which inflicts a prejudice upon the right of another, cannot belong to anyone except the supreme authority of the Supreme Pontiff. For it is proper to the supreme authority to derogate from the rights acquired by subjects for the common good or for a higher good that is intended in that society." 50. Similarly, as MENDO states, the question is not one of fact: "No authority," he says, "can, according to its own judgment, dissolve a valid marriage" (ibid.). "The Roman Pontiff alone is competent, at least according to current discipline, to grant, by ordinary law, dispensations concerning a valid marriage. See Benedict XIV, Constitution *Dei miseratione*, November 3, 1741, § 15; Sacred Congregation of Councils, in Warsavien, June 16, 1894, and in Trevisen, July 29, 1895, with the vote of Father Wernz." (VERNZ, *De Iure matrimoniali*, n. 6pS, note 41). Similarly, SCHERER observes (*Kirchenrecht*, II, p. 16, note 41): "Not even one example is known in which any Bishop has ever granted a dispensation in this matter." However, the same author notes: "That only the Roman Pontiff can grant such a dissolution of the marital bond is not explicitly stated in the body of canon law. The words in chapter 2, X, 4, 15, 'Nos tolerabimus,' which are found in the aforementioned passage (1), cannot be pressed to this meaning. In question 5, (1), in order to understand this, it is necessary to study the expression in the Decretals, which is something that those who are not very familiar with the Decretals should note."

[*Latin ed. p. 545*]

Appendix II, Compilatio I, 4, 4, et c. 2, X, 4, 13: "Hic non est expressum quod hoc ius sit reservatum ad Religiosos; autem, ex modis loquendi ut 'poteris sustinere' vel 'tribuis facultatem', videtur potius posse concludi

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etiam Episcopis tale ius competere." Sed contra, WERNZ (I. c.): "Episcopi, ab tempore Martini V, quando primae dispensationes super matrimonio rato occurrunt in huiusmodi singularibus casibus, ex nullo iuris textu pro sua potestate ordinaria reputabantur competentes." Et FAGNANUS: "Episcopis certum est hanc facultatem (dispensandi super matrimonio rato et non consummato) non competere, quia non reperitur illis concessa per sacros canones, ut fatentur omnes." (Cap. Perniciosam, De officio lud. Ordin., n. 41).

51. "Quaestio igitur reducitur tantummodo ad quaestionem mere speculativam, an, ut ait MENDO (I. c.): 'Si a Pontifice non prohibeatur, possit Episcopus iure divino et vi sui muneris dissolvere matrimonium ratum et non consummatum ex urgente causa quae sufficeret ut Pontifex illud dissolverei'."

52. "Porro, potissimum, ni unicum argumentum, quo nituntur qui pro affirmativa sunt sententia, est, uti vidimus, notum axioma: 'Quidquid potest Pontifex in toto orbe, potest Episcopus in sua dioecesi ex vi sui muneris', excepto tamen, GORii IX: 'Capita e compilationibus antiquis Raymundus nonnisi illa assumpsit quae indigentiis aevi sui responderunt; reliqua autem quae vel iam a antiquata vel illis, quae assumenda censuit, aequalia aut vero contraria erant, de regula tota praetermisit. Quod si aliquod caput iuri tunc vigenti contrarium, propter aliquam causam totum praetermitti haud facile posse putabat, tunc vel solummodo 'illam eius partem qua recte haec contrarietas continebatur omisit; vel loco eius aliam quae iuri tunc vigenti congrueret, collocavit'." "Porro generatim e singulis capitibus, quae assumenda putaverat, illas partes quas superfluas existimabat, uti sunt, v. gr. solemnes verborum formulae vel prolixa enarratio causae ad Summum Pontificem delatae, vel ampla expositio petitionis eidem oblatae, ne ambitus collectionis iusto maior evaderet, omisit; quam omissionem, quum aliquatenus maior esset, in capitis textu vocabulis et infra vel litteris et indigitavit. Quae Decretalium et aliarum auctoritatum partes a Raymundo omissae — partes decisae — dicuntur." LAURIN (Introductio in pus Iuris Canonici Friburgi, 1889, pars II, § 45).

[*Latin ed. p. 546*]

546 Appendix II, as MENDO himself notes, that which pertains to the definition of matters of faith cannot be determined, for this belongs to the supreme head of the Church. 53. It cannot be denied that this principle has had many adherents, especially among theologians. SÁNCHEZ (De Matrimonio, book I, disputation 61) enumerates a long series of doctors, especially theologians, who follow this principle, in the course of a discussion: "Whether the betrothal is dissolved if scandals are likely to arise from the marriage, or if evil consequences are feared, either due to a parental condition or a dispensation from the Pope or a Bishop"; where, after speaking of the Pope, he continues: "But concerning the Bishop, it seems that this

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is possible; for whatever the Pope can do throughout the world, except for those things which pertain to the state of the entire Church, such as defining matters of faith, the Bishop can do in his diocese, unless something is specially reserved to him by the Pope. Abulensis, ad cap. 16 Math., q. 8, litt. E; Victoria Relect., de Matr., p. I., no. 7; Sotus 4, d. 27, q. I, a. 4; Gambara, De Officio legati, lib. io, n. 4 6 6; Perez Enriq., lib. 6, de poen., cap. 1 4, n. 7; Aragon,.... Maiolus, lib. 5, de Irreg., c. 5, n. 4, and he cites Hugon, who says that the Bishop can dispense in all cases which are not specially reserved to him. And the reason is manifest, because he is the ordinary pastor in his diocese, just as the Pope is in the entire world, although he is subject to the Pope; therefore, in those matters in which the Pope does not limit his jurisdiction, he has ordinary power, just as any confessor can absolve from all sins equally as the Pope, unless a case is reserved by the Pope or the Bishop; therefore, if the Pope can dispense in betrothals, since he does not reserve this power anywhere, so too can the Bishop." 54. Indeed, this principle is rightly rejected by BENEDICT XIV (de Synodo, book p, chapter I, no. j), who writes: "It sometimes happens that some Bishops are deceived by certain doctors who have attributed to any ecclesiastical superior powers that belong only to the Roman Pontiff."

[*Latin ed. p. 547*]

Appendix II 547. Certi auctores, et quasi axiomam indubitabilem, proponunt hanc sententiam: "Quidquid potest Pontifex in universo orbe, si ea exceptis quae totius Ecclesiae statum respiciunt, ut articulum fidei definire, potest Episcopus in sua dioecesi, nisi Papa sibi illud speciali modo reservaverit." 55. Et sane, si hoc principium absolute, sine ulla limitatione, accipiatur, manifestum est falsum: "Falsum est," dicit BARGILLIAT (Praelectiones Iuris Canonici, 1903, ed. 18, Tract. f, n. 118), "id Episcopo in sua dioecesi posse quod potest Summus Pontifex in universa Ecclesia; nam Summus Pontifex habet plenam et supremum imperium, quod soli Petro et eius successoribus est commissum, dum iurisdictio Episcopi, etiam in propria dioecesi, multiplicibus causis vel personis est restricta." 56. Sed verum est quod MENDO et alii doctores, a SÁNCHEZ citati, huiusmodi principium admittunt, sed cum limitatione: nisi Papa aliquid sibi reservaverit. At etiam cum hac limitatione, est falsum. Sic SUAREZ (De Legibus, lib. 6, cap. 14, n. 6), ita illud refutat: "Axioma illud: 'Episcopus potest in suo episcopatu quidquid Papa in Ecclesia, nisi prohibeatur,' et nullo iure fundatum est, et in rigore iuris censeo esse falsum, nisi multis modis limitetur. Nam primo, supponit Episcopos habere ex iure divino absolutam et universalem iurisdictionem intra suas dioeceses, quae tamen a Summo Pontifice limitari potest; ego vero existimo quod ipsi Episcopi immediate habent ab ipso Summo Pontifice, ad quem etiam pertinet gradum et modum illius iurisdictionis definire... Deinde multa sunt quae potest Papa in universa Ecclesia, quae in rigore nunquam

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potuerunt Episcopi, saltem eo modo quo illa potest Pontifex, ut, exempli gratia, committere presbytero ministerium Sacramenti Confirmationis vel Ordinis, saltem quoad minores, dispensare in matrimonio rato et non consummato, vel in voto solemni, concedere indulgentias absolute pro vivis et defunctis usque ad plenariam remissionem." Cfr. etiam.

[*Latin ed. p. 548*]

Appendix 58, 4. II. FAGNANUS, Cap. Perniciosam, De Officio lud. Ordin., n. 28 et seq.). 5. 7. In specie, autem, quod attinet ad limitationem reservationis Pontificiae, idem FAGNANUS observat (in Cap. Nimis, De filiis presbyterorum, n. 44): « Multo minus admitti potest iure ordinario Episcopis dispensare contra legem Concilii generalis vel Summi Pontificis, quoties facultas dispensandi illis non adimatur; haec enim doctrina, nisi temperetur, falsa et periculosa est, et nullatenus ad praxim deducenda. Nam inferiorem posse contra legem superioris absolute dispensare nihil est aliud quam caput membris et superiora inferioribus subiicere, et ordinem naturalem invertere, et ecclesiasticam hierarchiam confundere, Dei ordinatione institutam. Praesertim vero, quia mos sacrorum canonum et conciliorum est fere ubique simpliciter praecipere aut prohibere, quid faciendum vel non faciendum. Unde, si liceat Episcopis dispensare quotiescumque dispensatio in specie non prohibetur, consequenter esset in eorum facultate totum ius commune et Concilia universalia subvertere, in singulis casibus dispensando, quod est erroneum asserere. » (Cfr. etiam Bouix, De Episcopo, p. j, cap. 8, §4; cap. p). 58. Ex dictis ergo patet, ex principio a MENDO adducto, nihil concludi posse, favore eius sententiae. Et sane, si huiusmodi principium sumatur absolute vel cum limitationibus, juxta quas etiam a DD. optimae notae sumitur, uti vidimus, falsum est; si, vero, ut ait SUAREZ (I. c.), multis modis limitetur, quamvis principium sustineri possit, tamen adeo incertum fit, ut ex eo nihil concludi potest, saltem quoad casus difficiliores. (Cfr. DE LUCA, S. L, Praelectiones Iuris Canonici, anno 1891, lib. de personis, tit. 18, n. 261; WERNZ, De Iure Matrim., n. 6ß). (Sequitur) B. Melata.

[*Latin ed. p. 549*]

DECREES OF THE ROMAN PONTIFF: APOSTOLIC LETTER from the Most Holy Father, Divine Providence, Pope Pius X, by which the Pontifical College of Latin America in Rome is elevated, and its governing statutes are established.

PIUS X

For the perpetual memory of the Apostolic See, and with diligent and devoted concern for Latin America, among other matters, I bear witness, above all, to the abundant provision made, so that in that vast region, there may be a sufficient number of cultivators of virtue, a most ample supply.

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To this end, several houses are openly established there, suitable for the instruction of students of the sacred order in piety and doctrine; and the number of these increases with the establishment of new dioceses, and in their principal institutions, greater opportunities are provided for young men of better character to attain academic degrees.

Indeed, in this manner of pontifical providence, the Urban College readily takes the lead, founded by Our Predecessor, the blessed Pope Pius IX, and enlarged by Leo XIII, for the benefit of the sacred youth of Latin America. For young clerics, endowed with good character, both of mind and spirit, sent to this venerable city, and therefore to the very center of ecclesiastical learning and life, and there, under the watchful care of the Vicar of Jesus Christ, instructed with all the safeguards that befit the best discipline, it is clear that they will prove to be exceedingly beneficial to their own people and to the church of their homeland.

Indeed, if we seek the fruits that the Pontifical College of Latin America has produced during this time, we will find that the results have corresponded admirably to expectations; and they will correspond even better in the future, if those things that must be observed in the selection of students are observed with a little more diligence, and if no bishop of those regions shall fail to send at least one of his...

[*Latin ed. p. 550*]

55° By Apostolic Letters, the student shall be placed in this College, without the College sparing any expense. Both Leo, who, in order to properly organize the religious affairs of Latin America, had convened in Rome the Plenary Council of their Bishops, when dismissing the Fathers after the Council, strongly urged them, as if they were to consider their dioceses sufficiently served if they consulted this College for guidance. These Fathers, having already experienced the benefit of this Institute for themselves, and moreover moved by such an exhortation from the Pope, not only declared their willingness to fulfill his wishes; but also, so that a memorial of the Plenary Council, which had been held in the very building of the College, might remain, they indicated that it would be greatly pleasing to them if the College were endowed with the title of Pontifical. The following are their requests: that the members of the Society of Jesus retain perpetual governance of the College, which they currently hold; that the principal laws, by which the discipline of morals and studies in the College is regulated, be formally approved; that, since the building of the College is indebted to the Apostolic See to a far greater extent than the College can currently afford to repay, the Supreme Pontiff, preserving His own and His Successors' rights, would kindly agree to postpone the repayment of the debt to a more convenient time for the College. We, however, having, towards the churches of Latin America and the College itself, a mind full of paternal charity, just as did Our two illustrious Predecessors, gladly embrace this

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opportunity to demonstrate this benevolence, which the Venerable Fathers offer in their request. Therefore, commanding that what has been sanctioned by the authority of Our Predecessors concerning the founding or maintenance of the College be firm and stable, and concerning what has been said about the debt, we shall issue a decree by which the interests of the Apostolic See and the College may be served simultaneously, We, by the same Apostolic authority, solemnly erect and establish this College, or rather, the Pontifical Latin-American Seminary in the City, and endow it with the title of Pontifical.

[*Latin ed. p. 551*]

The Apostolic Letters (i), and to these we attribute all those privileges and rights which are usually granted to Seminaries or Pontifical Colleges, pertain to the following laws, which are written below. I. The duty of governing and managing the esteemed College is perpetually entrusted to the Society of Jesus, which has so far deservedly earned merit from the College. Therefore, the Superior of the Society shall appoint from among the priests under his care at least the following: a Rector, a Minister, a Sub-Minister, an Economist, a Master of Piety, Confessors, and as many Prefects as possible. He shall also designate two, one learned in Spanish and the other in Latin, who shall instruct the students in the sacred teachings, cultivating them in their native language and literature. Furthermore, we wish that the students attend no other schools in the city than the renowned Lyceum of Gregory. II. The students must be legitimately born, of good health, and of sound body. In addition to these, they must demonstrate a desire for the priesthood, and not a common aptitude for learning, and no less, their love of discipline and integrity of morals must be evident. III. The students shall not be admitted until they have presented a certificate proving that they have properly completed their studies in the humanities and literature, and are therefore suitable to begin the course of higher studies. IV. It may be permissible, but rarely and for special reasons, to admit adolescents who are not yet of age and not yet mature for serious studies, under the following conditions: first, that (i) Under the auspices of Pope Pius IX, the Pontifical Latin College for Americans was begun in 1858, which, under the protection and care of the Most Eminent Cardinal and the care and diligence of the Fathers of the Society of Jesus, has experienced such great growth that in a short time it has produced many illustrious bishops and priests for the country, and has also rendered excellent service to the Church. Therefore, we are also greatly pleased with the most worthy Moderators and Alumni of the College, for the honorary title of the Pontifical Seminary, which the Supreme Pontiff Pius IX recently bestowed, being a further reason to hope for even greater things (N. R.), and we also wish to adorn it with further

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honors.

[*Latin ed. p. 552*]

552 Apostolic Letters of this nature shall never exceed ten in number within the College; furthermore, they must have completed their thirteenth year of age; then, they must have demonstrated, through their studies, an honest aptitude and diligence, and they must have received, with merit, a significant portion of instruction in the more refined arts; and they must be able to complete the remaining portion in Rome, within one or, at most, two years; furthermore, they must be supported by their own resources or by funds generously provided by others, but not by pensions or chaplaincies established for the benefit of students; these expenses shall be provided by the Bishop, in his own name and in the name of his successors; finally, the Bishop shall not allow a candidate to be sent to the College in Rome unless, after receiving authentic letters confirming that all the requirements specified in this place have been met, and after receiving a legitimate document of admission, granted with the permission of the Patron Cardinal.

V. All students, even those who have received pensions or chaplaincies in full, shall bring only as much money as is sufficient for their expenses: this money shall be deposited in the College treasury, and it shall not be possible to withdraw any portion of it, unless with the approval of the Ordinary.

VI. No student shall be admitted, under any circumstances, who is dependent on his family for expenses or who is being supported by the generosity of another, unless, with the permission of his Bishop, he presents a written agreement in which the Bishop, in his own name and in the name of his successors, testifies that he undertakes to provide the College with the money due for the student, should this relative or other person who has given their word fail to provide it or be unable to do so.

VII. To all and each of the Bishops of Latin America, it is incumbent to strive with all diligence to establish within the College scholarships of this kind, which are commonly called "Becas" in the vernacular language, to support the students, under the title of chaplaincies; and those students who benefit from these chaplaincies shall, each day, commend their respective chaplaincies to God by reciting properly the third part of the Rosary of the Virgin Mary, and once a month, either on a holy day or on another day designated.

[*Latin ed. p. 553*]

Apostolic Letters require that offerings be made to the altar or that priests perform sacred duties. The sum of money for the establishment of each chapel shall be submitted to the pontifical council for the administration of the Peter's Pence; this council will consider the income of this money at fixed times for the benefit of the college.

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VIII. Students, whether negligent in their studies, lacking in piety, or who have exhibited a nature and habits that are offensive to their companions and disruptive to the college, if, after due correction, they do not completely reform, shall be expelled from the college without hesitation. The Rector shall have the power to expel; however, in each case, so that he may act properly in view of the gravity of the matter, he will consult with the other moderators of the college.

IX. It shall not be permitted, without Our or Our successors' permission, for students who, after a first and second warning, have failed to attain academic degrees at the Gregorian University, to attempt a third degree in any gymnasium in Latin America or elsewhere.

X. It shall be the Rector's prerogative to allow students who have completed their course of studies to remain in the college for a few days, no more than thirty, before returning to their homeland; however, they shall still be subject to the laws of the college and the authority of the moderators.

XI. The Rector shall, each year, prepare a detailed description, in duplicate, of the matters of discipline, the morals of the students, and the condition of the college's affairs; one copy shall be submitted to the Cardinal Patron, and the other, which the same Cardinal shall sign, to Us and Our successors. He shall also send to all the Bishops of Latin America, in addition to such a general description, another describing the particular circumstances of each student.

These things We decree and establish, notwithstanding any contrary provisions. Furthermore, those things which have been decreed and established for the economic benefit of the college, either by Our predecessors or by Us, We confirm and hold as valid. As for domestic discipline, it remains to the moderators of the college.

[*Latin ed. p. 554*]

55. 4. We issue Apostolic Letters, so that they may present a reasoned account of the matter, having consulted with the Cardinal Patron and the Prefect of the Society of Jesus, and that they may offer it to Us for examination and approval, so that, with Our authority and command, it may be established. It remains that all those whom this matter concerns, not only observe diligently the prescriptions laid down by Us here, which we do not doubt they will do, but also strive to draw the most joyful fruits from these same prescriptions, which we earnestly encourage. Therefore, religious men, upon whose vigilance and care so much hope is placed for the American Churches, will not be satisfied with having diligently cultivated their students as in sheltered places; rather, they must continue to support them with counsel, encouragement, and every office of love, now that they have been brought into the sun and the dust, and are toiling in sacred duties across the ocean, so that they may see great progress in their discipline. The Bishops, for their part, will show each day that this

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College is no less dear to them than to Us, who certainly hold it most dear, especially for their own sake; therefore, they should strive, as much as they can, to contribute to its stability and growth. May the divine goodness, imploring the help of Mary, under whose protection the College is, favor Our desires; and may the Apostolic blessing, which We impart to all those mentioned, and to all of Latin America, be a harbinger of its blessings. Given at Rome, near St. Peter's, on the ninth day of March, in the year 1905, in the second year of Our pontificate. PIUS PP. X.

[*Latin ed. p. 555*]

Letter 555: LETTERS from Pope Pius X to the Rector of the Catholic Institute of Paris, concerning the proper cultivation of sacred and profane studies.

TO THE BELOVED SON, LOUIS PÉCHENARD, PROTONOTARY APOSTOLIC, RECTOR OF THE CATHOLIC INSTITUTE OF PARIS.

PIUS PP. X. Beloved Son, health and the Apostolic blessing. It has always been a solemn duty of the Church to foster the study of doctrine and to defend it diligently, and this not only in sacred disciplines, although in these, as is fitting, it is of the greatest importance; but also in others, because these latter contribute not a little to the former. Indeed, the two are intimately linked and connected, since both originate from God, the Lord of all sciences, from whom, as from a single source, all that is true necessarily flows. Truly, Our Predecessors have always considered the cultivation of all kinds of learning to be essential to the apostolate, and it is no small praise to the Roman Pontiffs that they founded, in the Middle Ages, those universities, which are now flourishing, and which acknowledge them as their almost parental founders. Indeed, when We ourselves take care of the study of the liberal arts, We have been pleased to learn, as You recently informed Us, what is happening in that Institute under Your direction. But in order that Our sentiments may be made more clear, We have deemed it necessary to send You these letters. First of all, praise is due to the Venerable Brothers, the Bishops of France, whose authority primarily governs the Institute, and whose care diligently provides for its protection. Then, those Catholics are to be commended who consider it worthy to contribute generously to its resources. For they are convinced, and rightly so, that this is of great benefit to the state.

[*Latin ed. p. 556*]

556 In academies and institutions of learning, especially the larger ones, young men are educated so that, through solid instruction, they may become both Christians and acquire a virtuous spirit; but today, it is commonly held that priests should not only be well-versed in theology, but also in philosophy, law, the knowledge of nature, and literature. For it is a frequent and almost daily occurrence among men, who are more learned

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in opinion than in reality, to devise weapons against the faith from the workshop of science. We know, and it is hardly necessary to say, that the Parisian Institute, as it has never lacked, so too does it now greatly need learned professors of this kind, who are adorned with both science and religion. And these, in fulfilling their duty, seem to find, in our times, if ever, a difficult and arduous task: namely, to safeguard the most sacred principles of ancient wisdom; this is the first thing: then, taking into account the progress of learning, to not neglect anything that has been discovered by recent ingenuity which is true. For many have become accustomed to abandoning and not observing these laws, not only those who are opposed to the Catholic profession, but also those who do not show the tradition and the teaching of the Church to be as important as they ought to be; and these seem to wish to prove, without any exception, what is commonly said: that what is false today will be considered true tomorrow. Hence, this widespread practice of discarding the old and introducing the new, for almost no other reason than novelty, as if the highest goal of doctrine were to be placed in a certain aversion to antiquity. But it is superfluous to urge you to refrain from this course of action: we know that you are diligent in your obedience to the Apostolic See; and we do not doubt that you will also wish to please the Roman Pontiff in this matter. Therefore, we congratulate you on the fruits that your Institute has produced up to this point; and we greatly desire that it may continue to gain good benefits and increase in reputation; for this reason, all those who participate in it in any way or who assist it, should strive, as much as they can, to...

[*Latin ed. p. 557*]

Letter 55, and we also encourage [you]. In the meantime, may divine assistance be with you, beloved son, and may the Apostolic blessing be upon you, which, as a particular expression of Our benevolence, We impart to you in the Lord. Given in Rome, at St. Peter's, on the twentieth day of February, in the second year of Our Pontificate. PIUS PP. X.

Letter: By which Pope Pius X rejoices greatly in the secular birthday of the Asceterium, commonly called "Ponterotto," due to its outstanding benefits to the Roman people.

TO OUR BELOVED SONS, RICHARD SCHÜLLER, TEMPORARY DIRECTOR OF THE ASCETERIUM IN THE PONTIAN BUILDINGS, AND TO THE OTHER PRIESTS ASSIGNED TO THE SAME ASCETERIUM.

PIUS PP. X. Beloved Sons, greetings and the Apostolic blessing. We have learned that the days of this world are approaching, marking the beginning of your Asceterium. And you intend to celebrate these events with various ceremonies, as is fitting and proper. We commend you for undertaking this endeavor, for it is not only in harmony with the love and dedication with which you diligently cultivate this field of labor, but it also seems very opportune and useful. Indeed, throughout this period of time, great

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benefits have flowed from this very Asceterium to the Roman people; and if, despite so many offenses, temptations, and dangers, it has not yet caused a very great loss to the Christian profession and life, a considerable part of the credit is due to the industry and diligence of the priests who work there, striving to make the minds of young people and often even of men, fit to receive the Divine Food. Indeed, the first offering of the Most Holy Eucharist is, it is scarcely possible to say how much it matters to...

[*Latin ed. p. 558*]

558 The letters of a Christian man bring about salvation, so that it may be accomplished rightly and holily. Convinced of this, and that priest of the best example, Joachim Michelini, devoted himself entirely to this most beneficial type of sacred ministry, and afterwards there were never wanting men in the Roman clergy who would diligently pursue the work begun by him. And among these, many are worthy of being remembered for their doctrine, sanctity, and charity towards souls: among them, especially, are the lights and ornaments of the Catholic Church, Gaspar del Bufalo, Vincent Pallotti, and Pius IX; who, indeed, happily fulfilled their priestly duties there. Truly, it is entirely fitting to commemorate the excellent and fruitful work of these men, and to celebrate the wonderful things which the most loving Mother of God, Refuge of sinners, has often demonstrated through your institution as signs of her patronage, which will be done completely during the annual celebration of the foundation. This is also conducive to fostering a righteous spirit in you, to inspiring a similar zeal in others, and to promoting popular piety. Therefore, it has seemed good to Us to increase your joys with these letters: and we gladly take this opportunity to testify to you, both those who govern this pious house, and those who, through their office as preachers or assistants, serve in it, that We are both grateful and well-disposed towards each of you. Therefore, beloved sons, strengthened by our commendation and voice, continue to alleviate, with renewed zeal, the great burden and duty of the City Curia, according to what We recently prescribed. In the meantime, as a pledge of the blessings of heaven and of Our paternal benevolence, receive the Apostolic Blessing, which We impart to you wholeheartedly in the Lord. Given in Rome, at St. Peter's, on the twenty-sixth day of February, in the year 1905, in the second year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 559*]

From the Sacred Consistory, 55, 9. FROM THE SACRED CONSISTORY. Pope Pius X discusses matters concerning France and the Republic of Ecuador, as well as the war in the Far East, while also speaking of efforts towards peace in Brazil, Peru, and Bolivia. His Holiness Pope Pius X held a Secret Consistory on the morning of March 27, 1905, in the Vatican Apostolic Palace, at which the Most Eminent and Reverend Cardinal

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Sanminiatelli Zabarella, having completed his office as Chamberlain of the Holy College, presented the customary ring to His Holiness, who deigned to bestow it upon the Most Eminent and Reverend Cardinal Mathieu. Afterwards, the Holy Father delivered the following address: Venerable Brothers, Most esteemed members of this assembly, it grieves Us greatly to once again bring before you matters that do not bring joy, but rather confirm sorrow. But you know best that it is the will of God, who providentially disposes all things, that the Church should never be without sorrow, so that she may be worthy of the Bridegroom, who wished to be placed in the midst of those who contradict Him, in order that He might present her to Himself as a glorious bride, without spot or blemish. We lament to you, Venerable Brothers, that plans are being discussed among the French, which are most harmful to religion: We lament the intention, not only to rescind the agreement which, at the beginning of the last century, the Roman Pontiff and the leaders of the Republic of France had made for the common good of religion and the state; but also, by law, to permanently establish the separation of civil authority from the Church. Indeed, We, with all diligence and with every means possible, even in these last days, have tried to avert this great calamity, and We still intend to try, since nothing is further from Our will than to wish to exempt Ourselves from the agreements made; however, the matter is so urgent that it is to be feared that it will soon be brought to a disastrous conclusion. We grieve greatly for the people of France, whom We love from the bottom of Our hearts; for whatever harm befalls them, We suffer it deeply.

[*Latin ed. p. 560*]

56° From the Sacred Consistory of the Church, we learn by experience that this also harms the public good. Let this be observed, not only by those in the parts of France where Catholics are found, who ought to consider it their duty to defend the Church; but also by all who are lovers of peace and security, so that, through a common effort, they may prevent so much ruin to the fatherland. Among these things, Venerable Brothers, the sorrowful state of the war, by which the eastern shores of the Orient have long been afflicted with bloodshed, fires, and slaughter, still weighs heavily on our mind. How many tears are shed there! We, in this place, who strive to be peacemakers and conciliators, humbly beseech Almighty God that He may graciously grant to princes and peoples the counsel necessary for concord. For so much evil is committed everywhere that it is necessary to disturb and agitate even with the clamor of arms and the strife of wars! How much effort for peace should be given, we have recently happily seen among the Brazilians, Peruvians, and Bolivians who govern with supreme authority. For, when disputes arose concerning the boundaries to be established and regulated between the federated states of Brazil and both the Peruvian and Bolivian nations, the old concord seemed to be in danger. But those who are

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in charge of public affairs, with wise and truly salutary counsel, decided to end the dispute through the judgment of others. In this matter, they rightly considered that the office of preserving peace is almost inherent in the Supreme Pontificate, and, with unanimous agreement, they appointed a delegation of men from this Apostolic See to preside over the assembly that would resolve the matter. While we are communicating this to you with a joyful heart, Venerable Brothers, we wish publicly to thank the Presidents of those nations for the honor they have wished to bestow upon Us and the Chair of Saint Peter. May those who govern the Republic of Ecuador also appreciate the benefits of such a union. Indeed, Ro-

[*Latin ed. p. 561*]

From the Sacred Consistory, Our Predecessors, and especially Pope Pius IX of most holy memory, have demonstrated their charity towards the people of Ecuador through many and great acts. But what shall we say of the laws now enacted there, which, not only do not trouble the Catholic Church and the ancient religion of the Fathers, but almost seek to destroy them? We, lest we seem to neglect our duty, not only lament the wound inflicted upon religion, but publicly denounce it; hoping that prudent measures will be taken by those whose concern is the welfare of their people. Meanwhile, we exhort the Bishops and all Catholics of the Ecuadorian nation to not lose heart, but to defend the religion with great zeal and to assert the due freedom that is owed to it, yet by no means through any means that are contrary to order and justice. May God be with those who strive, for He is He who mortifies and vivifies, who brings down to the lower parts of the earth and restores. Furthermore, Venerable Brothers, we confidently await the future reward that all Catholics have earned by their piety towards the most august Mother of God, since last December the fiftieth anniversary was completed of the solemn promulgation of the decree by which She was declared free from the original sin. May the most sweet Virgin, who loves the Church which Christ acquired with His blood, grant that we may not long desire the joys of peace. And the blessing of God Almighty, etc. After the customary deliberation concerning the vacant suburban church of Sabina, the Most Holy Father deigned to provide for the following churches: The Cathedral Church of the Suburb of Sabina, to which is attached the abbatial church of St. Mary of Farfa, for the Reverend Father Franciscus de Paula Cassetta, who relinquishes the presbyteral title of St. Chrysogonus. The Metropolitan Church of Vercelli, for the Reverend Father Theodorus Ernestus Maria Valfré di Bonzo, promoted from the Cathedral Church of Comense. The Metropolitan Church of Granada, for the Reverend Father Iosephus Meseguer y Costa, promoted from the Cathedral Church of Illerda. The Metropolitan Church of Bamberg, for the

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Reverend Father Fridericus Philip-

[*Latin ed. p. 562*]

562 From the Sacred Consistory, the Reverend Abbot Abert, of the diocese of Herbipolis, Doctor in Sacred Theology. The Most Reverend Rector and Professor of Dogmatic Theology at the University of Würzburg. To the titular Archiepiscopal Church of Pessinuntin, the Reverend Emilius Parodi, of the Congregation of Missions, from the archdiocese of Genoa, Provincial Visitor of his own Congregation in the Piedmont region, appointed as Coadjutor with future succession to the Most Reverend Father Didacus Marongiu Delrio, Archbishop of Turrita. To the Cathedral Church of Legio, the Reverend John Emmanuel Sanz y Saravia, of the archdiocese of Hispalis, Doctor in Sacred Theology, Professor of Sacred Theology and Church History at the archdiocesan Seminary, and also Parish Priest of the Church of Saint Andrew. To the titular Episcopal Church of Doren, to which is attached the Priory of the Four Military Orders in Spain, the Reverend Remigius Gandasegui y Gorrochategui, of the diocese of Victoria, Doctor in Sacred Theology, Canon Lector in the Metropolitan Church of Caesaraugusta. To the titular Episcopal Church of Eucarpien, the Reverend Cyril de Paula Freitas, of the diocese of Adamantina, Parish Priest in the place called Taboleiro Grande, appointed as Coadjutor with future succession to the Most Reverend Charles Aloysius d'Amour, Bishop of Cuyaba in Brazil. To the titular Episcopal Church of Gaen, the Reverend Constantius Castrale, of the archdiocese of Turin, Doctor in Sacred Theology, Parish Priest and Forane Vicar in the place called Favria. Afterwards, His Holiness made public the provision, already made by Brief, for the following churches: To the titular Archiepiscopal Church of Nicaea, the Reverend John Tacci, promoted from the Cathedral Church of the City of the Plebs, and elected as Apostolic Delegate and Patriarchal Vicar for the Latins in Constantinople. To the titular Archiepiscopal Church of Areopolis, the Reverend Lazarus Miedia, promoted from the Cathedral Church of Sappus, appointed as Coadjutor with future succession to the Most Reverend Paschal Guerini, Archbishop of Scodra. To the titular Archiepiscopal Church of Cabasitan, the Reverend Julius Victor Maria Pichón, of the diocese of Corisopolis, Canon Honorary and General Vicar in the archdiocese of Porto Principe, appointed as Coadjutor with future succession to the Most Reverend Julian Conan, Archbishop of Porto Principe. To the titular Archiepiscopal Church of Serrarum, the Reverend Fredian Giannini, of the Order of the Minor Friars, from the archdiocese of Lucania, Custos.

[*Latin ed. p. 563*]

From the Sacred Consistory, number 563, appointed as Apostolic Vicar of Aleppo and Apostolic Delegate in Syria. The Cathedral Church of Bailar,

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by the Reverend Father Joseph Higgins, transferred from the Cathedral Church of Rockhampton. The Cathedral Church of Saint Severus, by the Reverend Father Emmanuel Merra, transferred from the Cathedral Church of Cotrone. The Cathedral Church of Urbino, by the Reverend Father Salvatore Fratocchi, transferred from the titular Episcopal Church of Memphis. The Cathedral Church of Bergamo, by the Reverend Father James Mary Radini Tedeschi, of the Diocese of Piacenza, Doctor of Sacred Theology and Canon Law, Professor of Sociology at the Pontifical Leonian College, Member of numerous Academies, Ecclesiastical Assistant to several Catholic Societies, Apostolic Missionary, Supernumerary Apostolic Notary, Canon of the Patriarchal Basilica of the Vatican. The Cathedral Church of Assisi, by the Reverend Father Ambrose Luddi, of the Order of Preachers, of the Diocese of Arezzo, Master of Sacred Theology, Prior in Florence and Parish Priest of Saint Mark. The Cathedral Church of Angra, by the Reverend Father Joseph Correa Cardoso Monteiro, of the Diocese of Larcunha, Doctor of Sacred Theology, Canon Cantor in the Cathedral Church of Portugal and Professor of Sacred Theology in the Seminary. The Cathedral Church of Saltillo, by the Reverend Father Jesus Mary Echavarria, of the Diocese of Sinaloa, and there, General Vicar. The Cathedral Church of Campeche, by the Reverend Father Francis Mendoza, of the Diocese of Zamora in America, and there, Canon Archdeacon of the Cathedral Church. The Cathedral Church of Cordoba, in America, by the Reverend Father Zenon Bustos, of the Order of Minor Friars, of the Diocese of Cordoba, Provincial Minister in the Republic of Argentina. The titular Episcopal Church of Delce, by the Reverend Father Anthony Bassani, of the Diocese of Clodius, Professor of Sacred Theology in the diocesan Seminary, Canon Theologus of the Cathedral Church and General Vicar, appointed as Coadjutor with succession to the Most Reverend Father Louis Marangoni, Bishop of Clodius. The titular Episcopal Church of Domitopolitan, by the Reverend Father Augustine Fischer-Colbrie, of the Archdiocese of Strigonium, Doctor of Sacred Theology, Apostolic Prothonotary, Rector of the Pazmanian College, Canon of the Metropolitan Church of Strigonium, appointed as Coadjutor with succession to the Most Reverend Father Sigismund Rubics, Bishop of Cassovia.

[*Latin ed. p. 564*]

56. 4. From the Sacred Consistory, the titular Episcopal sees are: Titopolitan, by the Most Reverend William, Count Batthyány, of the diocese of Veszprém, Doctor of Canon Law, Intimate Chamberlain to His Holiness, Canon of the Cathedral Church of Nitra, appointed as Coadjutor with succession to the Most Reverend Emery Bende, Bishop of Nitra. Bereniceae, by the Most Reverend Thomas Francis Hickey, of the diocese of Rochester, Doctor of Laws, General Vicar and Rector of the Cathedral Church of Rochester, appointed as Coadjutor with succession to the Most

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Reverend Bernard Mac Quaid, Bishop of Rochester in America. Thagoren, by the Reverend Leonard Stephen Deda, of the Order of Friars Minor, of the diocese of Scutari, Superior of the Franciscan Hospice and Parish Priest in the place called Trosiani, appointed as Coadjutor with succession to the Most Reverend Francis Malczynski, Bishop of Alexandria. Tadamaten, by the Reverend Modest Everaerts, of the Order of Friars Minor, of the archdiocese of Mechelen, appointed as Apostolic Vicar of Hupé, Occidental-Southern. Paraetoniae, by the Reverend Henry Vieter, of the Society of Missions, of the diocese of Munster, appointed as Apostolic Vicar of Cameroon. Europen, by the Reverend Angel Philip Sinibaldi, of the diocese of Siena, Doctor of Philosophy, of Sacred Theology, and of both Laws, Intimate Chamberlain to His Holiness, formerly General Vicar in the diocese of Siena and in Senigallia, appointed as Auxiliary Bishop of Ostia and Velletri. Poglen, by the Reverend Zotic Racicot, Doctor of Sacred Theology, Apostolic Protonotary, Dean of the Metropolitan Chapter, and General Vicar of Marianople, appointed as Auxiliary Bishop to the Most Reverend Paul Bruchesi, Archbishop of Marianople. Clamen, by the Reverend William Timothy Cotter, Canon and Parish Priest of the Cathedral Church of Portsmouth, appointed as Auxiliary Bishop to the Most Reverend John Baptist Canili, Bishop of Portsmouth. Finally, the request for the Sacred Pallium for the metropolitan sees of Vercelli, Granada, and Bamberg was completed.

[*Latin ed. p. 565*]

From the Secretariat of Briefs 565

FROM THE SECRETARIAT OF BREVES

Concerning the Equestrian Orders of St. Sylvester, the Golden Militia, and the Militia of Christ (i).

PIUS PP. X

FOR PERPETUAL REMEMBRANCE

Much to stir the minds of men to excellent deeds, are the rewards given to virtue, which, while adorning [men], (i)

From the office of the following Notification, we publish, for the accurate enumeration of all Equestrian Orders of the Holy See, so that ambiguity may be removed concerning those who, by any means, might be considered as recognized and approved by the Holy See, and their nullity is absolutely declared:

1. Equestrian Order of the Holy See:

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* The Supreme Order of Christ.

* Class: Knights of the Collar.

* The Order of the Plain.

* The Order is divided into three grades:

* Grand Cross.

* Knights of the 2nd Class: Commendators.

* Knights of the 3rd Class: Knights.

* The Order of St. Gregory the Great.

* Civil and Military.

* It has a Cross.

* The Order is divided into three grades:

* Grand Cross.

* Knights of the 2nd Class: Commendators.

* Knights of the 3rd Class: Knights.

* The Order of St. Sylvester.

* The Order of the Golden Militia, a single class, called "The Golden Spur."

* This Order is intended to particularly reward those who can truly declare themselves deserving of the Church and the Sovereign Pontiff, and is outside of rank, and can be conferred both on those who have no other Equestrian distinction from the Holy See, and on those who have already been adorned with the Supreme Order of Christ.

* The Order of the Holy Sepulchre.

* The Supreme Pontiff, reserving always to His August Person the Supreme Authority, through His Eminence the Cardinal Grand Chancellor of the Equestrian Orders, has granted to the Latin Patriarch of Jerusalem the Title of Grand Master, with the faculty of granting the Insignia according to the provisions given in this regard.

* The Supreme Pontiff, in some circumstance of high importance, but very rarely, confers, by special privilege, the use of the Plaque to the Commendators of the Order of the Plain, of St. Gregory the Great, and of St. Sylvester, as to the Knights Grand Cross, but of smaller dimensions.

* Acta S. Sedis, Vol. XXXVII, page 9, 36.

[*Latin ed. p. 566*]

566 From the Secretariat of Briefs, men of merit in sacred or public affairs are recognized, and others are spurred by their example to strive for the same level of praise and honor. Indeed, with wise counsel, Our Predecessors, the Roman Pontiffs, have pursued the Equestrian Orders with singular zeal, considering them as incentives to glory, and have either established new ones, or restored those already established, or enriched them

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with new and better privileges. Now, since it has seemed opportune for weighty reasons to make certain changes in some of the Equestrian Orders of the Holy See, namely, the Order of Saint Sylvester the Pope, or the Golden Militia, and the Order of the Militia of Jesus Christ, We, after consultations with Our beloved son Aloysius, Cardinal Deacon of the Holy Roman Church, Macchi, through Apostolic Letters from the Secretary of Briefs, and the Grand Chancellor of the Equestrian Orders of the Holy See, having carefully and diligently considered all aspects of the matter, have, with certain knowledge and mature deliberation, deemed it necessary to decide the following. It is no secret that the Order of the Golden Militia, or the Order of the Golden Spur, is among the most ancient, being recognized by law: For it is said that Sylvester I, Our Predecessor of blessed memory, was the author of it, by order of the Emperor Constantine the Great. This Order was always held in great honor by Our Predecessors in the most ancient times; but afterwards, through the vicissitudes of human affairs and of times, it declined from its former splendor and dignity. Through Apostolic Letters dated October 30, 1841, Our Predecessor, Pope Gregory XVI of blessed memory, sought to restore it to its former glory: He himself ordered that the title of Saint Sylvester the Pope be given to it, and thus established a new Equestrian Order of Saint Sylvester the Pope, or the Golden Militia. He prescribed that this Order should consist of only two classes: Commendators and Knights, but at present, just and reasonable reasons suggest that the Equestrian Order of Saint Sylvester should, no less than the Gregorian and Pius Orders, consist of three classes.

[*Latin ed. p. 567*]

From the Secretariat of Briefs, 567. The Order shall consist of three classes: namely, Knights, Commanders, and Knights of the Grand Cross. Therefore, we assign the aforementioned highest class to the Order of Saint Sylvester, and we judge that the same should be entirely separated from the Order of the Golden Fleece. In order that the memory of this most noble Order of the Golden Fleece may not be erased by time, and that the Militia itself may be constituted as a distinct equestrian body in its entirety, we decree and command, by our authority, that the Equestrian Order of Saint Sylvester, by these presents, be entirely separated from the Order of the Golden Fleece, and that the two be separated from each other, so that henceforth they shall become two distinct and separate Orders, one to be called the Order of Saint Sylvester the Pope, and the other the Order of the Golden Fleece, or the Golden Spur. The Order of Saint Sylvester, like the aforementioned pontifical Orders of Gregory and Pius, shall consist of three classes, namely, Knights, or the third class; Commanders, or the second class; and Knights of the Grand Cross, or the first class. The cross of the Order shall be the same as the current one, but without the golden spur, that is, it shall be golden, octagonal, with a white surface, bearing

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the image of Saint Sylvester the Pope on the front, and on the back, the pontifical emblem enclosed in a blue circle, with the years MDCCCXXXXI and MDCCCCV imprinted in golden letters, indicating the years of its restoration and renewal. The coin of the Order shall be a silver star with rays. Similarly, the colors of the Order shall be red and black. The tunic shall be of black color, adorned with a single row of black silk tassels on the sleeves and around the neck, and distinguished by golden fringes. The breeches shall be black, with a golden stripe. The cap shall be a long, oblong, black cap of silk, with a double peak, bearing the pontifical emblem and a small golden tassel. The sword shall have a white conch handle, adorned with gold. Furthermore, the models of the cross and the coins, the fringes of the clothing, and the ornaments of the cap shall be different for each class of Knights.

[*Latin ed. p. 568*]

568 The Secretaries shall bear insignias appropriate to their rank; those for simple Knights being smaller, and those for higher ranks being larger. The Knights shall wear a cross suspended from the left side of the chest, attached to a ribbon of red and black, with the edges of the cross being red. The Commanders shall wear the same cross, but of a larger size, suspended from the neck by a similar ribbon, and shall adorn their cap with a black feather. Finally, the Knights of the Grand Cross shall wear a cross of the largest size, which shall be supported by a long silk sash, painted with the two colors of the Order, and shall bear the larger coin of the first class attached to the left side of their garment, near the chest; they shall also wear a white feather in their cap. Furthermore, when men are to be elevated to the rank of Commander, due to their outstanding merits, which serve as a testament to the will of the Holy See, we decree that, as is sometimes done in the Orders of Gregory and Pius, the Commanders of the Order of Saint Sylvester the Pope may also, by special grace, use a smaller coin, belonging to the second class, or the class of Commanders, and shall wear it attached to the left side of their chest. As for the Order of the Golden Militia, or the Order of the Golden Spur, which, by our authority, has been separated from the Order of Saint Sylvester the Pope, recalling the most ancient and glorious memories of that Order, we have decided not only to restore it to its former rank, but also to enhance it with new splendor, and to re-establish it entirely under the heavenly patronage of the Immaculate Virgin. And indeed, since the Holy See lacks a military Order under the protection of the Virgin, and especially this year, the fiftieth anniversary of the solemn definition of the Dogma of the Immaculate Conception, and at this time when the Christian world suffers so much, it pleases Us to assign the heavenly Patroness, the Immaculate Mother of God, to this military Order, into which only the bravest defenders and upholders of the Church of God shall be admitted, that she, "terrible as an army arrayed for battle,"

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may crush the head of the infernal dragon. Therefore,

[*Latin ed. p. 569*]

From the Secretariat of Briefs, 56g, We decree that only the most outstanding men be admitted to the Order of the Golden Militia, or Order of the Golden Spur, those who, whether through arms, writings, or distinguished works, have promoted the Catholic cause and defended the Church of God, or have illuminated it with doctrine; and therefore, this Order may be conferred upon those who have already attained some other equestrian dignity, as well as upon those who already possess more illustrious titles and even membership in the highest Order of the Militia of Jesus Christ. The Order of the Golden Militia shall consist of a single class of Knights. By Our own and the Motu Proprio of the reigning Roman Pontiff, it shall be exempt from the jurisdiction of the Chancery; the number of Knights for the entire Catholic world shall not exceed one hundred, lest the dignity be diminished by its frequency. Concerning the proper Cross of this Order, in accordance with the tenor of similar documents issued by Pope Benedict XIV, of blessed memory, in the form of Brief Letters, dated the 7th of September, in the year 1747, in which it was stipulated that the Knights of the Golden Militia should not usurp the Cross of the Order of Jerusalem, We decree that the Cross of this same Golden Militia shall be octagonal, gilded, covered with yellow enamel, with a golden spur hanging below; and in the center, it shall bear a small silver medal, with a golden reverse, enclosed in a circle, and inscribed with the most august name of the Virgin Mary; on the reverse, it shall bear the number of the present year, 1905, and in a circle, the words "Pius X restituit" (Pius X restored). A golden trophy shall surmount the Cross. The same Cross shall be placed upon a silver star with radiating points, bearing the emblem of the Order. The Knights shall not wear a torque, and their attire shall be a red tunic, with two rows of golden spheres around the neck and at the ends of the sleeves, bordered with black, hairy silk and with golden fringes. The humeral decorations shall be adorned with golden fringes and with the emblem of the Order. The femoral decorations shall be long, made of black cloth, with a golden band. The spurs shall be golden. The oblong, double-pointed, gold-fringed cap shall bear the Pontifical colors enclosed in a golden knot. The gilded cross shall be the pommel of a sword, with a black scabbard, and a golden belt with red fringes. As in ancient times, the Order shall have a red ribbon, but bordered with white. They shall wear it.

[*Latin ed. p. 570*]

From the Secretariat of Briefs: The Cross shall be a ribbon of red silk, with white at the ends, worn around the neck. A medal shall be affixed to the left side of the chest. We have clearly indicated above the qualities of mind and character that the most worthy men of this Order ought to possess, and

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therefore, so that these may always be distinguished solely by their own merits, we hereby, by the authority of Our own hand, completely abolish all concessions previously granted by Our Predecessors to the Knights of the Golden Militia, concerning the privilege of nobility, and the title of Palatine Count, which perhaps have not yet been revoked, by means of similar Apostolic Letters of Pope Gregory XVI, dated October 31, 1841, which we have previously mentioned, and we decree and establish that these shall henceforth have no validity whatsoever. Finally, turning the eyes of our mind to the most noble Order of the Knights of Christ, which, in the year 1317, after the ruin of the Order of the Temple, was instituted by King Dionysius I of Portugal and Algarves, with the authority and under the auspices of Pope John XXII, of blessed memory, Our Predecessor; by these presents, we declare and command that this Equestrian Order of the Pontifical See shall be supreme in authority, so that no other shall be superior in dignity, but that it shall surpass all others in grandeur and splendor. There shall be but one class of Knights, but in order that the adornment of this Supreme Order may be more pleasing to Us, We wish that henceforth the Cross of the Order shall be worn around the neck, from a golden chain, which shall consist of alternating shields bearing the Cross of the Order and the Papal emblem, connected by golden links. It is, in fact, remembered that the Knights of this Militia have long used a similar chain with alternating emblems and engraved decorations. Similarly, We wish that on the large medal, a golden crown shall be placed, and below it, a small ribbon of red enameled material shall enclose the Cross; finally, that the white silk stockings shall not be overlooked; the shoes shall be of silk, and also white; and finally, that golden buckles shall adorn the shoes. As for the tunic, the sword, and other adornments, nothing shall be changed.

[*Latin ed. p. 571*]

From the Secretariat of Briefs, 5th year. We expressly command, however, that no distinction whatsoever be made among the Orders of this same Knighthood, but that each Order faithfully preserve its coat of arms, insignia, arms, and ornaments, as prescribed by the Holy See, so that the aforementioned insignia, such as crosses, medals, vestments, swords, Phrygian caps, and ornaments, of the aforementioned Orders of Saint Sylvester, the Golden Militia, and the Militia of Jesus Christ, together with those which the Apostolic See customarily grants, are most meticulously crafted according to the standards of the exemplars which We order to be preserved in the Chancellery of Equestrian Orders, under Our Secretariat established by Apostolic Letters; and furthermore, that the appropriate designs be kept in mind, which are customarily handed down each time a Knight is elevated to a higher rank. We decree these things, We command, We ordain, declaring that these present Letters shall always be firm, valid, and efficacious, and shall fully produce and obtain their intended effects,

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and that those to whom they apply shall fully observe them; and that anything attempted contrary to these matters by anyone, knowingly or unknowingly, shall be null and void. Notwithstanding Our and the Apostolic Chancery's regulations regarding matters of law, and other Apostolic Constitutions and ordinances, as well as the statutes of the aforementioned Equestrian Orders, and all other contrary provisions, even those worthy of special mention, are permitted. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the 7th day of February, in the year 1905, in the second year of Our Pontificate. ALOISIUS Cardinal MACCHI.

[*Latin ed. p. 572*]

From the Secretariat of State:

To the Secretariat of State, it is commanded that Catholic associations in France, particularly those dependent on ecclesiastical authority, and especially the Society of "Sillon," be considered, in view of the upcoming convention to be held in Paris.

Most Eminent and Reverend Lord(s),

His Holiness has been informed, at the same time, of the forthcoming gathering in Your capital of a Congress of young people of the "Sillon," and of the benevolence that Your Eminence assures them for the realization of their project. The Holy Father expressed great satisfaction at this, remarking once again that the sentiments of Your Eminence wonderfully correspond to what inspires His Holiness's great love for France.

In His solicitude for the good of this nation, the Holy Father deems it necessary that pastors receive, protect, and foster within their dioceses the various associations and the numerous works of Catholic and social action, which arise from the initiative of laypersons, provided that they openly declare their Catholic faith and join to it a filial and real submission to ecclesiastical authority.

The purpose of these associations and the works thus directed has already merited the praise of the Holy See on several occasions, for both aim to bring back into the arms of the Church those sons who have, unfortunately, strayed from it; they are intended to support the action of the clergy, but often they do so through private initiatives, and the authors of these initiatives, by virtue of their status as laypersons, find themselves, in the execution of their work, more comfortable than does [the clergy].

(1) Most Reverend Cardinal B. Richard, Archbishop of Paris (Note).

[*Latin ed. p. 573*]

From the Secretariat of State, 53, there would be priests. Thus, it is explained that "the Association of Catholic Youth" and the Society more recently founded under the name of "Le Sillon" have been able, in a short time, to spread and develop in the land of France, always ready to receive the good seed. It is not the difference in the methods followed by the vari-

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ous associations that can be a serious obstacle, for, as is known, there are in the Church "a multitude and variety of graces," and, in accordance with the apostolic doctrine, history offers us the example of various types of sanctity, very different from one another; what matters is the unity of spirit, made manifest through the bond of peace. The Holy Father, in the short space of time that has elapsed since he assumed the government of the Church, has already had several opportunities to become closely acquainted with the main associations that are flourishing in France, and has experienced a holy joy at the good spirit that he has observed both in the "Catholic Youth" and among the members of the "Le Sillon" association. As for the latter, the announced Congress is timely to better make known their upright intentions and their laudable designs. It can serve to clarify certain points of their program that, for some, may not have appeared sufficiently clear; it will provide the leaders of the association with the opportunity to affirm that, in matters of doctrine, they intend always and only to follow the Catholic Church, and that, in matters of attitude, if they were to intervene in public affairs, they would propose to join their forces with those of other Catholics, to whom the ecclesiastical authority would be favorably disposed, so that in no way may they, through their fault, diminish the advantages of united action. For these reasons, His Holiness commends Your Eminence for the favor already granted to the young people of "Le Sillon" and desires that she continue to encourage them with her precious [support].

[*Latin ed. p. 574*]

From the Sacred Congregation of Bishops and Regular Canons, 574, with good will, assured that they will receive with docility the counsel that Your Eminence deems it necessary to give them for the continuation of their work, its progress, and its greatest good. The august Pontiff does not doubt that the example of the favor of Your Eminence will have the effect of reconciling the favor and good will of other illustrious members of the French episcopate to the association of "Le Sillon." Having the honor, as His Holiness has charged me, to make you aware of the sentiments and desires of His Holiness himself, I humbly kiss your hands, and with sentiments of profound veneration, I rejoice in being, from Your Eminence, your very humble and devoted servant, R. Cardinal Merry del Val. Rome, January 4, 1905.

ACTA ROMANAE CONGREGATIONUM

From the Sacred Congregation of Bishops and Regular Canons, and of the Ursulines.

Any community of Ursulines is free to accept the union of the entire Order.

Most Holy Father, Sister N. N., Superior of the Ursulines at N., takes the

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liberty of addressing Your Holiness with complete confidence in order to expose a doubt that greatly perplexes her conscience. On one hand, she is told that, currently, there is an obligation for all Ursulines to adhere to the union that has already been realized.

[*Latin ed. p. 575*]

Tusculana 5, 5, 7, between a certain number of houses, to submit to a Superior General of the entire Order, who will reside in Rome, and to accept the new Constitutions. On the other hand, she knows of the opposition of her Community to such a decision, and she fears the serious difficulties that would result from it. However, desiring above all to submit her will to the will of the Holy See, she prays Your Holiness to be pleased to inform her whether, in the particular circumstances in which she finds herself, she is obligated, in conscience, to accept this union for herself and to impose it upon her Community. And God, etc.

The Sacred Congregation Emorum et Remorum S. R. E., entrusted with the affairs of Cardinals, and with the consultations of Bishops and Regular Canons, having considered the above, deemed it necessary to respond as follows: Negatively, but each Community retains its full freedom in this matter, according to the letters of July 21, 1899 (i).

Rome, March 10, 1902.

L. S.

Fr. H. Card. GOTTI, Prefect.

A. Budini, Subsecretary.

TUSCULANA EXEMPTIONIS AC IURIUM

Concerning the possession and exemption of the public oratory located outside the cloister, as well as concerning the funeral Mass and the solemn blessing of animals on the feast of St. Anthony.

Statement of Facts:

In the town of Monte Compatri, in the diocese of Tusculana, the Discalced Carmelites, in addition to the monastery and the church of St. Sylvester, have a public (i)

(i) In which, while the intention is to bring the entire Order of the Ursulines into a single body, full freedom is nevertheless granted to each Religious Family to adhere to, or not, the proposed union (N. R.).

[*Latin ed. p. 576*]

576 From the Congregation of Bishops and Regular Canons, there is an oratory where a prodigious image of the Most Blessed Virgin Mary of Castagno is venerated, which is often transferred to the local parish for certain solemnities and publicly exposed for the veneration of the faithful.

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In this matter, two questions have arisen. The first is between the diocesan curia and the Carmelites, who contend that the oratory of Castagno belongs solely to them and is exempt from the jurisdiction of the diocesan ordinary, and therefore, even for a temporary transfer of said image, the consent of the Religious is required. The second is raised by the local parish priest against the same Carmelites, because, being too indulgent to their enemies, they celebrated a solemn funeral for a certain young woman on the third day after her death, having performed only the necessary funeral rites in the cemetery without a funeral Mass, and then publicly performed a solemn blessing of certain animals on the feast of Saint Anthony of Padua. Allegations of the Carmelites. The General Procurator maintains, above all, that the chapel of the Most Blessed Virgin Mary of Castagno belongs to the Carmelites by virtue of the Bull *Inter curas* of Clement VIII in the year 1603, which granted them the Abbey of Saint Sylvester "with its movable and immovable goods, as well as sacred and profane furnishings..." However, said chapel is not only located on land belonging to the Carmelites, but was also built and has always been possessed by them, and until the year 1900, the emblem of the Order was displayed above the doors. Furthermore, the same Procurator asserts that the chapel of Castagno is exempt from episcopal visitation. From several papal bulls, which he cites, it is clear that the Carmelite Order enjoys full and perfect exemption, so that "persons, churches, oratories, houses, things, and places, and everything pertaining to them... are in every way and absolutely exempt forever from the jurisdiction and dominion of any local ordinary...; and anything attempted to the contrary shall be entirely null and void." Therefore, since this kind of chapel is located on exempt land, and is attached to a monastery and church, it must also enjoy the same privilege of exemption.

[*Latin ed. p. 577*]

The Council of Trent (Session 7, chapter 8, concerning Reform) indeed prescribes that "Ordinary pastors of places must visit all churches, whatever their status, annually by the authority of the Apostolic See"; nevertheless, as Fagnanus states (book 1, title On Parishes, chapter Nullus, no. 34), the Holy Congregation [of the Council] has judged that this decree applies only to secular churches, and not to regular ones; and that regular canons are to be considered to belong to a monastery, or to be dependent on it, if they are served by regular canons, as the same Holy Congregation has decreed on several occasions. Therefore, the Advocate argues, the oratory in this case must be considered exempt, even though it is now located outside the cloister; otherwise, not all churches of the Regular clergy would be exempt. Consequently, the response of the Sacred Congregations, and Regular Canons, in the Nolana Visitation of March 27, 1664, cited by Bizzarri (Collectanea, page 29), is more relevant to the matter. The contrary prescription cannot be opposed to the exemption; either because this prescrip-

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tion, being contrary to the privileges of the Regular clergy, especially with clauses that render it invalid, as reported by Thesaurus-Giraldi (On Penalties of Churches, part 2, chapter 1, page 24p), does not hold; or because the necessary conditions are lacking for this prescription to be valid, since many supposed visitations cannot be legally proven, and some have been carried out either without Apostolic authority or in a private manner, or at least after complaints from the Religious. Finally, the Advocate endeavors to demonstrate that the Bishop cannot, even for a short time, transfer the image of the Blessed Virgin of Castaneo without the permission of the Carmelites. For it is the property of the Religious, as is evident either from the cited Bull of Clement VIII, in which the image of the Blessed Virgin is listed among the sacred furnishings, or from the long-standing possession of the Fathers, or finally from two documents from the years 1686 and 1703, from which it is clear that the Carmelites, in order to satisfy the piety of the faithful, transferred the sacred image from the cloister and attached it to a chestnut tree. Allegations of the Curia. The suffragan Bishop, first...

[*Latin ed. p. 578*]

578. The arguments presented by the Congregation [for Religious] and the Regular Canons, guided by the Carmelites, lack a solid foundation, firstly because the privilege of exemption granted by the Clementine Bull applies only to the Convent of Saint Sylvester, and not to the Oratory of Castagno; secondly, because it does not fall within the scope of enclosure, since it is located almost one hundred paces from the monastery; thirdly, because it has always been the practice for it to be subject to the authority of the diocese. The construction and restoration of the Oratory were indeed carried out by the Carmelites, but with the offerings of the faithful; nor do its custody and administration entail an exemption. Furthermore, the inscription dating from 1797, which is displayed in the chapel and in which the Carmelites are called by the same patron's name, is invalid, since it was made by a private individual; moreover, in 1801, Monsignor Pamphili complained about this very inscription, considering it to be an offense to the authority of the bishop. Then, the same Suffragan [bishop] attempts to demonstrate the Oratory's subjection to the jurisdiction of the Ordinary. Exemption is not presumed, but must be expressly proven, as taught by Benedict XIV (De Syn. dioec., lib. i, cap. 5, n. 3), because the Bishop has an intention founded in law. Furthermore, there are presumptions to the contrary, derived from the fact that the chapel is a public and rural one, and is located outside of enclosure; but Oratories of this kind, as has been decided on several occasions, although belonging to Regular Canons, are nevertheless subject to the authority of the Bishop. Moreover, the Archbishops of Tusculum have exercised jurisdiction over the aforementioned chapel for more than two centuries. This is evident from the acts of the Visitation of Saint [Sister] Cybo in 1680, which stated that "the Oratory

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of Castagno... is in free episcopal jurisdiction," and which ordered that it be solemnly blessed in 1682. The following year, the chapel was visited by Monsignor Ottoboni, and in 1703 by Cardinal De Aste; the same was done by the succeeding Bishops in the years 1765, 1774, 1778, 1780, 1787, 1791, 1794, 1823, 1824, 1830, 1854, and up to our own time. It must also be noted, says the Suffragan, that the Carmelites have on several occasions attempted to claim an exemption. Indeed, in 1761, Monsignor...

[*Latin ed. p. 579*]

The [religious] community of Tusculum opposed the exemption of the Oratory [from episcopal jurisdiction], but after considering arguments from both sides, they affirmed that the Visitation [by the Tusculan bishops] "could be carried out," and furthermore, the same [bishop] decreed that the keys of the chapel should be handed over to the local parish priest. Another formal complaint was lodged after the canonical Visitation of 1834, but the legal action was abandoned by the Carmelites themselves, and they therefore peacefully accepted the subsequent Visitations. From this, it also becomes clear that the Tusculan prelates visited the shrine not in the manner of pilgrims, but with the authority of their episcopal office and with customary solemnities, as they approved the book of Masses, inspected the altar, administered absolution, issued decrees, etc. The allegations of the parish priest: Regarding the first question, the priest observes that it is not permitted for religious to perform the funeral rites on the third day after the death, if in the parish, a funeral Mass, in the presence of the body, has not been celebrated. The reason is that the funeral rites take the place of the funeral Mass, which belongs exclusively to the parish priest. Indeed, Cardinal D'Annibale (Summa Theologiae, part II, no. 176) teaches that "the right to perform funeral rites is connected, as an accessory, to the right to bury..." And the Roman Ritual (title 6, chapter 1, no. 4) states that "as far as possible (that is, with the consent of the parish priest, unless prevented by a higher authority, e.g., by civil law due to a contagious disease), a Mass should be celebrated in the presence of the deceased's body." Furthermore, the Sacred Congregation [of Rites] in Caietana, on September 13, 1670, no. 1409 ad 1, and in Pitilianen and Soanen, on July 22, 1848, no. 2971 ad 2, declares that it pertains to the parish priest to perform the office over the parishioners and to sing the funeral Mass, even in the presence of the Cathedral Chapter. This is confirmed by the Statutes of the Roman Clergy of 1862 (chapter II, §§ 11 and 17). However, the priest adds that the decree of the Sacred Congregation in the Convent of the Order of the Minor Franciscans, on May 13, 1879, no. 3494 ad 1 (i), cannot be applied in this case, because there the circumstances

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were different.

[*Latin ed. p. 580*]

58. From the Congregation of Bishops and Regular Canons regarding circumstances to be considered: When dealing with the poor, who had "no means to pay the excessively burdensome stipend for the funeral Mass in the parish church," hence, "lest the soul of the deceased be deprived of the comfort of the most august Sacrifice of the Mass" without its own fault, the Congregation rather tolerated a prejudice to parochial rights. Regarding the second question, the parish priest of Montis Compatrum stated that the Carmelites were unable to perform the solemn blessing of animals on the feast of St. Anthony; for this, since it is found only in the Roman Ritual, pertains to parochial right. Indeed, Gavantus (Thesaurus SS. R., vol. i, part. 4, title i, chapter 5, nos. 1 and 20) states this rule: "Blessings which are in the Missal can be performed by any priest, without prejudice to parochial rights; those, however, which are in the Ritual belong properly to the parish priests" (1), as Pignatelli also states (vol. 2, cons. 16, no. 2). Cf. also Clericatus (De Sacram. Eucharist., dec. 8, no. Rit. Rom., title 44, no. 24) and Baruffaldus (Comm. ad Praeterea, according to the same author, when determining which blessings are reserved for the parish priest, the manner in which they are administered must be especially considered. Thus, in the decree of the Sacred Congregation, in one of the Dubia of June 13, 1893, no. 3801, ad 6, certain blessings are, by their very nature, reserved, e.g., the blessing of fields, animals, and the like, and can be performed by any priest (1). This general rule, as to the first part stated by Gavantus and as to the second part by Pignatelli, and then generally accepted by doctors in their authority, must be considered entirely true. For all blessings which are described in the Roman Missal are also contained in the Roman Ritual; but some which are found only in the Ritual cannot be said to belong properly to the parish priests. Therefore, it must be stated more clearly and truly that in the Missal and in the Ritual, two kinds of blessings are distinguished: first, blessings which are not reserved, or common, which can be performed either by parish priests or by other priests; second, blessings which are reserved, which must be performed by Bishops or others who have the power to grant such permissions. Furthermore, the blessings of Orders or Religious Institutes, whether not reserved or reserved, are found in the Appendix to the Roman Ritual, although those which are approved by the Holy See, or at least permitted, cannot be considered as belonging to the body of the Ritual itself (N. R.).

[*Latin ed. p. 581*]

In the case of a priest residing in Tusculum, the rites may be performed privately; but, conversely, according to the resolutions of the Sacred Congregation of Councils of November 19, 1662, and the Sacred Congregation

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for the Visitation of A.D. September 15, 1695, and January 23, 1698, the blessings of women after childbirth pertain solely to the parish priest, because, as Monacelli states (Form. leg., title 10, form 18, no. 10), they are performed "publicly, with the cope, stole, and blessed water, and with the offering of a candle, which are signs of jurisdiction." Cf. Pignatelli (vol. 1, cons. 16, nos. β and γ), who, furthermore (loc. cit., cons. 14, no. 2), teaches: "It is not permitted for Regular clergy to bless houses, ships, or vessels... because these functions belong to the parish priest by reason of his office..." In the matter of the blessing of animals, however, it was not only the Carmelites who performed the blessing publicly, but also with all the signs of jurisdiction and the offering of candles. Furthermore, in matters of blessings, custom carries great weight, as Wernz states (Ius Decr., vol. 2, no. 82p), and in this case, the custom favors the parish priest from time immemorial. Finally, regarding the facts, the Carmelites claim that the parish priest has, in both cases, caused them the same injury, because knowingly and willingly, they cooperated with the parish priest's adversaries, who requested and obtained both the funeral rites and the blessing of animals to the detriment of the parish priest. Even the Bishop and the Auxiliary Bishop disapproved of the Religious's less than proper conduct. Allegations of the Carmelites. Firstly, they maintain that, by common law, it belongs only to the parish priests to bring corpses to the parochial church and to perform the funeral rites there, and also to celebrate the Mass for the repose of the soul, with the corpse present. However, the parish priests do not have the right to celebrate the same Mass in the absence of the corpse, nor are the faithful obliged to entrust the celebration of that Mass to the parish priest, as is evident from the contrary practice, from the Rit. Rom. (loc. cit.), which states that "the Mass should be celebrated, if possible, in the presence of the deceased's body," and also from the aforementioned decree of the Sacred Roman Congregation concerning the Order of Minor Observants, etc., of May 13, 1879, in which it is stated: "It is permitted to sing the Mass for the repose of the soul in another church and among the Regular clergy... after the funeral rites have been performed in the church."

[*Latin ed. p. 582*]

582 From the Sacred Congregation of Bishops and Regulars, it has been decided that, even if the funeral Mass is not celebrated in the parish church. Secondly, the Carmelites maintain that the blessing of animals on the feast of Saint Anthony is not reserved, but common. Indeed, it is not found among the reserved blessings in the Rituale, and furthermore, the Sacred Congregations of Bishops and Regulars, in the acts of Fulginata, May 25, 1685, and Tudertina, November 18, 1695, and the Sacred Congregation of Clerics, in the acts of Ravenna, November 12, 1695, decreed that "the blessing of animals on the feast of Saint Anthony... is not to be included among the parochial functions." Cf. Ferraris (Bibl. can., v. Benedictio, art.

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f, nn. 21 et 22). Furthermore, according to the Carmelites, there is the decree of the Sacred Roman Congregation of the City and the World, of December 10, 1703, n. 2123, in which, regarding the question: "Whether the blessings of women after childbirth, of the baptismal font, of fire, of seed, of eggs, and similar things, are of purely parochial right," the response was: "No; but the blessings of women and of the baptismal font must be performed by the parish priest." (1) Under the word "similia" (i.e., similar things). Thus, in the old Collection of Gardellin, but in the new authentic Collection of the Sacred Roman Congregation, in the response to 6, the words "blessings of women" were omitted. Therefore, the opinion that the blessing of women after childbirth can be performed not only by parish priests, but by all priests, whether secular or regular, is today considered at least probable. No one can deny that the greatest weight is given to the decisions made in such a serious matter, and to the authentic edition of the Decretals. However, in November, the Sacred Congregation in Rome, on November 21, 1893, n. 3813, ad 2, decreed: "The blessing of a woman after childbirth must be performed by the parish priest, if he is requested; but it can also be performed by any priest, if he is likewise requested, in any public church or oratory, with the approval of the superior of the church." Furthermore, the authority of the Sacred Congregation of Clerics, which, in one act of Bologna, June 20, in their churches, "admits women after childbirth for purification," and in 1620, ad 9, responded: "The Regular Canons of Aquense, among the Carmelites and the parish priest, are not to be prohibited in this regard." In 1709, they replied on December 7, on June 9, with "Affirmative"; finally, in Derthonen, on December 3, 1708, and April 27, 1718, and 1720, ad 7, they decreed that women after childbirth may go to any church they deem suitable to receive the blessing. The resolutions of the Sacred Congregation of Clerics, which are opposed to the proponents of the other opinion, refer either to contrary custom and to Synodal Constitutions, which grant the right to bless women only to the parish priest, as in one act of Antwerp, November 18, 1662.

[*Latin ed. p. 583*]

583. Furthermore, the blessing of animals can also be understood. Moreover, an exclusive right must not only be asserted but also proven, either by law or by custom; which is not the case here. Regarding the facts, it is noted that the actions of the parish priest have not caused any injury, either because he was unaware of the malicious intent of the parishioners, or because he acted according to his own right.

Doubts:

I. Whether the documents concerning the ownership of the Chapel, or Oratory, of the Blessed Virgin of Castagno, in favor of the Discalced Carmelites of the Convent of Saint Sylvester, located above Tusculum, are valid. And, to the extent that they are affirmative:

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II. Whether said Oratory is exempt from the jurisdiction, or from the visitation, of the Most Reverend Bishop of Tusculum, for the benefit of said Discalced Carmelites, or of the Convent of Saint Sylvester, or not.

III. Whether the Most Reverend Diocesan Bishop, without the consent of the aforementioned Discalced Carmelites, can transfer, or authorize the transfer, elsewhere, that is, for example, to the parish of Monte Compatri, even for a short time, the Image of the Blessed Virgin of Castagno, which is located in said Oratory.

IV. Whether, in law and in fact, the conduct of the Reverend Father Prior of the Convent of Saint Sylvester, in Burgi S. Donnini, on April 26, 1788, is to be approved, or not, considering the special circumstances of the matter and the place.

Other reasons to the contrary, besides lacking substantial force, as they are merely considerations, can easily be refuted.

The blessing of the baptismal font on the Sabbaths of Easter and Pentecost, as is evident especially from the aforementioned decrees of the Sacred Congregation of Rome, dated December 10, 1703, and January 12, 1704, nos. 2123 to 2126, cannot be considered as pertaining solely to parochial rights, that is, so that it must be performed exclusively by the parish priest, and by him alone, to the exclusion of all others. For, according to the special rubrics of the Missal, and numerous decrees of the Sacred Congregation, this blessing can be performed in all churches, even those that are not parochial, which have a legitimately established baptismal font, and indeed, it must be performed by the priest celebrating the Mass. Therefore, in parochial churches, the blessing of the sacred font belongs to the parish priest, if he himself celebrates Mass; otherwise, it belongs to another priest celebrating, or to a delegated priest; in cathedral and collegiate churches, it belongs to the hebdomadary canon, or the celebrant, although the parochial canon may claim a special right over other canons.

See decrees of the Sacred Congregation, nos. 613, 630, 1401 to 5, 2406 to 5, 2486 to 2, 2783, 2898, 3300 to 1 (N. R.). 1189.

[*Latin ed. p. 584*]

584 From the Congregation of Bishops and Regular Canons at Monte Compatri, concerning the celebration of the funeral Mass in the aforementioned case. V. Whether, in law and in fact, the conduct of the Reverend Prior in the matter of blessing animals on the feast of Saint Anthony Abbot in the aforementioned case (i) is to be approved or not. Resolution. The Sacred Congregation of Bishops and Regular Canons, after due deliberation, on May 13, 1904, decided to respond to the aforementioned questions in the following manner: To I. Whether it is established that the Chapel, or Oratory, of the Blessed Virgin of Castagno belongs to the Discalced Carmelite Fathers of the Convent of Saint Sylvester near the Alban Hills

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(2); Affirmative. To II. Negatively, regarding the first part; Affirmatively, regarding the second part. To III. Negatively. To IV and V. Regarding the law, affirmatively; and in the opinion of the Congregation, the Reverend Prior of the Monastery of Saint Sylvester near Monte Compatri acts prudently in similar cases. (1) In Latin: I. Does it appear that the Chapel or Oratory of the Blessed Virgin of Castagno belongs to the Discalced Carmelite Fathers of the Convent of Saint Sylvester near the Alban Hills? And to the extent that it is affirmative: II. Whether the aforementioned Oratory is to be considered exempt from the jurisdiction or visitation of the Bishop of Tusculum, for the benefit of the aforementioned Discalced Carmelite Fathers, or not. III. Whether the aforementioned diocesan Bishop can, without the consent of the aforementioned Discalced Carmelite Fathers, transfer, or grant permission for the transfer, for example, of the image of the Blessed Virgin of Castagno located in the aforementioned Oratory, to the parish of Monte Compatri, even for a short time. IV. Whether, in law and in fact, the manner of acting of the Reverend Prior of the Monastery of Saint Sylvester near Monte Compatri, concerning the celebration of the funeral Mass in the aforementioned case, is to be approved or not. V. Whether, in law and in fact, the manner of acting of the same Reverend Prior, concerning the blessing of animals on the feast of Saint Anthony Abbot in the aforementioned case, is to be approved or not. (2) In Latin: Does it appear that the Chapel or Oratory of the Blessed Virgin of Castagno belongs to the Discalced Carmelite Fathers of the Convent of Saint Sylvester near the Alban Hills (N. R.).

[*Latin ed. p. 585*]

585. I. The churches belong exclusively to God; while the use and administration, or the right of patronage, may pertain to us, as Justinian teaches (Instit., lib. 2, tit. i, §7): "Sacred, religious, and holy things belong to no one, for that which is of divine law belongs to no one in terms of property."

2. Since it is established that the Oratory of Castaneo has been anciently used and administered by the Carmelites, the possession of the Oratory is recognized by them.

3. Churches, even those possessed by Regular canons but located outside the cloister, as in the present case, are subject to the jurisdiction and canonical visitation of the local Ordinary.

4. The Church most earnestly desires that, as far as possible, a Mass for the repose of the soul of the deceased be celebrated at the funeral, so that it is not omitted, unless a major feast day or some other necessity prevents it. (Rituale Romanum, tit. 6, cap. i, n. 4, and cap. 3, n. 1).

5. Since the funeral Mass is celebrated only by counsel, and not by command, and parish priests do not possess a private right to celebrate it, nor are the faithful obliged to have it celebrated; therefore, its celebration can take place in all churches, even those of Regular canons. (1)

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6. The solemn blessing of animals on the feast of St. Anthony of Padua does not pertain to parochial rights, but can be conferred by all priests, whether Regular or secular. (2)

(1) Cf. also Acta S. Sedis, vol. 39, p. 527-538, especially the resolution ad II and Colliges 6°. (N. R.).

(2) Only two blessings are considered to pertain to mere parochial rights: the blessing of marriages and the blessing of homes during Easter. Regarding the blessing of homes, the matter is established by several sentences of the Sacred Congregation, as in the decree Nullius or Nonantula, January 13, 1685; in Neapolitana, April 12, 1710; in Macerata, June 17, 1719; in Brixiorien, May 8, 1824, etc. The blessing of marriages, however, must be performed by the proper parish priest, and not by other parish priests or priests, unless with the special permission of the parish priest or the Ordinary, regardless of any memorable custom, which is rather a corruption, or any privilege, so that...

[*Latin ed. p. 586*]

From the Sacred Congregation of the Council, May 5, 1886. From the Sacred Congregation of the Council of Milan. Regarding the Application of Masses. When the founding documents are lacking, the custom of celebrating Mass daily and applying it three times a week is permitted. A dispensation is granted for caution regarding the second benefit. Case in point. In a parish within the diocese of Milan, there exists an ancient benefice, subject to active and passive patronage of the Casati family, with an annual income of 4000 lire, and with the obligation of daily Mass and residence. In the absence of the founding documents, there is doubt as to whether the chaplain, besides celebrating Mass, is also obligated to apply it. The current Rector, Peter Besesti, who is also the Parish Priest of the Basilica of Saint Vincent in Prato, in the city of Milan, with the consent of the patrons and the local parish priest, requests: 1°. That, after a prior dispensation regarding personal residence, he be granted the delegation of a priest to celebrate Mass daily at the benefice, with an annual stipend of 1100 lire; 2. That the question regarding the application of Mass be resolved. Asked about this, the Archbishop of Milan responded that only two documents are relevant to the matter, namely, the acts of the Visitation of the Cardinals Frederick Borromeo in 1611, and Joseph Puteobonelli in 1757. The first states: "This chaplaincy has the obligation annexed to it of celebrating Mass daily, as is evident from the decree of the Most Blessed Cardinal Charles, Archbishop, in Casatenovo. Those foreign priests or other priests, regular or secular, who dare to bless spouses at weddings without the aforementioned permission, would incur suspension (according to the more common and truer opinion, only from office, and not from the benefice) as established by the Council of Trent (Session 24, chapter 1 on Reform), and confirmed by the Apostolic Constitution of Pope Pius IX. Cf. the resolution of the Sacred

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Congregation of the Council in one volume, May 7 and 28, 1785 (N. R.)."

[*Latin ed. p. 587*]

Milan. 58. Regarding the personal visitation of the year 1583, the following words are recorded: "In the future, Lord Frederick Cribellus himself, or he shall appoint a chaplain, shall celebrate daily in this church, by virtue of the founder's endowment. But the modern chaplain states that he is not bound by this obligation, and that he, according to the custom of his predecessors and the prescribed regulations, takes care that three Masses are celebrated each week, including feast days." Another document states: "There exists an obligation to celebrate a Mass here daily." Concerning the two most recent chaplains, the Archbishop of Milan reports that one never resided in the place of the benefice, but satisfied the obligation of celebrating Mass through another, while the other always resided in the town of Casatenovo; both, while maintaining the daily celebration of Mass, only applied or had applied for the benefit three times per week. Observations from the official record. Firstly, it seems that a dispensation from the obligation of residence should be granted; either because the matter in question does not concern the care of souls; or because, since the chaplain himself is not bound to celebrate Mass, the rule can be invoked: "He who acts through another, seems to act himself"; or because it also appears to be indicated by the document of the Visitation carried out by Saint Charles Borromeo; or because no harm threatens the worship or the benefit of the people through the delegation of another; or finally, because the cleric is of advanced age and exercises the care of souls, and there is the consent of the patrons and the parish priest of Casatenovo. Regarding the second question, it would seem that the chaplain is not bound to offer Masses for the benefit of the founder. Indeed, from the aforementioned records and from the practice of the two previous chaplains, it appears that the obligation imposed has always been interpreted as the simple celebration of Mass; at most, it can be said that the application [of the Mass] is valid only on three days of the week, due to the observance of the chaplains. Therefore, Many (De Missa, page III) states that "sometimes the intention of the founders is to require only the celebration..."

[*Latin ed. p. 588*]

From the Sacred Congregation of Councils, session 588, it is established, according to custom, as in the case of the Sacred Roman Church monasteries, June 14, 1845, paragraph 1, number 2892. The Sacred Congregation of Bishops in Brixen, June 12, 1858, states, where, having imposed upon the founder the obligation to celebrate perpetually 350 Masses for the benefit of the people, it was declared: "That there is no obligation of the application of the Masses"; as well as in the Tridentine decree on the Application of Masses, February 27, 1760, concerning the obligation of Masses with regard

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to their application, paragraphs 21 and in Milan, November 1903 (i). The Court of Milan also holds this opinion, which, in its information, appears to exclude the application of Masses, because it seems that the founder intended rather to provide honest sustenance for his priests than to contribute to the worship and the assistance of souls. On the contrary, it should be noted that in perpetual chaplaincies, where the chaplain is obligated to celebrate Masses, the application of those Masses is also presumed to be included, as Benedict XIV states (Instit. eccl. 36, n. p): "For the obtaining of the application of the Sacrifice, it is sufficient that the celebration itself is indicated. But if anyone should contend that he is entirely free from the obligation of application, he must clearly demonstrate that the pious testator required only the celebration of Masses and permitted the priest, at his discretion, to attribute the fruit of the Sacrifice to whomever he pleased." In this manner, the Sacred Congregation of Councils decreed on March 18, 1668, and has consistently followed this same opinion, when a similar situation arises. The same Pope has in his work (De Sacrificio Missae, lib. ß, cap. p, n. 2), which has already been extensively cited in the aforementioned case of Milan. Furthermore, Ferraris (Bib. can., v. Missa, art. ß, n. ly) states certain rules for determining when it can be presumed that the testator intended only to prescribe the celebration of Masses: "The opinion of the Sacred Congregation," he says, "is that in perpetual chaplaincies with the obligation of Masses, the Sacrifice is regularly to be applied for the founder, unless something else indicates the will of the founder, or..." (1) Cf. Acta S. Sedis, vol. 36, p. 475-481.

[*Latin ed. p. 589*]

In Milan. 58g, [the decision] was elicited either by pressure or by urgent conjectures. Among these conjectures, two, which express a contrary intention to that of the founder, have been approved by the aforementioned Sacred Congregation and are relevant to the present controversy: the first, when the celebration of Mass is requested for the benefit of the people or for the Mass heard by nuns; the second, when the founder, by prescribing a certain number of Masses, expressly orders that some be applied for his soul, and concerning the others, either says nothing about their application, or refers them to the discretion of the chaplain; because then, it is presumed that he did not intend for these latter to be applied to himself, by virtue of the distinguishing nature of the language... Indeed, as is evident, the rules presented cannot be applied in this case. Finally, it can be observed with the same author (loc. cit., nn. 16 and ff.) that substantial revenues assigned to the chaplaincy, to the extent that they exceed or equal what is customarily or legally provided for the expense of application in certain places, induce the presumption and conjecture that the testator, in addition to the celebration of Mass, also intended the application [of those Masses]. It is indeed entirely credible that the founder primarily intended

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the fruits of the Masses to be applied to himself and his, rather than to the particular veneration of the place. The revenues in question are indeed more substantial, namely, 4000 [units of currency]. Resolution. The Sacred Congregation of the Council, having considered all matters, decided on November 19, 1904, to write as follows: Regarding the celebration of Mass, the practice hitherto observed should be maintained. However, concerning the dispensation for the acquisition of the second benefit, for example, for the life of the present beneficiary, with the understanding that this is done with the utmost caution, the following should be noted: 1°. The obligation of celebrating Mass regularly induces the presumption of the application of the same for the oblator. 2°. Therefore, anyone arguing otherwise must prove a different intention of the oblator, either expressly stated, or at least elicited from serious conjectures.

[*Latin ed. p. 590*]

From S. C. Concilii 590, 3°. Among these considerations, besides the benefit of the people or a discreet expression, the legitimate custom deserves to be highly regarded, for it is the best interpreter, as of laws, so also of the will of the offerers. 4. The matter at hand concerns the venerable custom of applying the Mass only on three days of the week. 5. Furthermore, when in a case the personal obligation of residence in the place of the benefice is doubtful, a dispensation is granted for the acceptance of a second benefice, for prudence's sake.

VENTIMILIEN. OF THE RIGHT TO ASSOCIATE THE DEAD. The heirs have the right to call religious orders to associate themselves with the bodies of the deceased, setting aside the canons and other secular priests.

Facts of the case. The canons of the Collegiate Church of San Siri and the parish priest of the town commonly called San Remo, in the diocese of Ventimili, claim that they have the right to be present in the funeral rites, when the religious order has been invited by the heirs to participate in a determined number, so that it is never permitted for the Capuchins, together with the parish priest, to accompany the body of the deceased to the church, unless the secular clergy has been called to participate in the association. On the contrary, the Capuchins maintain that the common law must be followed, according to which the heirs or parents are only obliged to call the parish priest to associate himself with the body, and with regard to other priests, whether religious or secular, they are free to call whomever they wish.

Arguments of the secular clergy. The canons and the parish priest state that this matter is not about common law, but about a custom, and indeed one founded on a title, which has abrogated the law itself. Indeed, Benedict XIV (De Syn. dioec., lib. 12, cap. 8, n. 8) states: "Nothing is more common than for any human law, even a canonical one, to be abrogated by a custom

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that is rational and legitimately prescribed." The custom...

[*Latin ed. p. 591*]

Ventimiglia, however, is reasonable when it is not contrary to natural law or divine law, nor does it provide an occasion for sin, nor does it disrupt the order of ecclesiastical discipline. Cf. Vecchiotti (Institutiones Canonicae, vol. i, cap. 2, § 28) and others, as can be seen throughout. It is legitimately prescribed when, according to the Sacred Canons, it is supported by long-standing custom; indeed, it has even run for a very long time without a specific title, because it presumes an Apostolic privilege, as has been repeatedly held by the Holy Sacred Congregation in the cases of Fabrian, on March 10 and April 7, 1739; in Camerino, on December 18, 1819; and in Tkelesina, on August 22, 1901. In fact, it is observed that Canons and priests have always participated in funeral ceremonies with the Regulars, by a long-standing custom that has never been violated, nor by the Capuchins, as confirmed by the Bishop of Ventimiglia himself in his letter of May 23, 1903, to the Holy Sacred Congregation. This custom, they say, has its roots in the Provincial Synod of Janua, approved by Gregory XIII, where it is stated: "Before all others, the Canons and chaplains must be called along with the parish priest; and after them, each may invite whomever he wishes." This arrangement was adopted verbatim in the Synod of the Bishop of Albingano, Landinelli, to whose diocese the town of San Remo formerly belonged. Indeed, when, around the year 1600, some Regulars wished to violate this law, the Sacred Congregations granted letters to the Bishop of Albingano, which are cited by Pignatelli (Consilia Canonica 20j, vol. 4, n. 2), in which the Religious are ordered to observe the aforementioned decree of the Provincial Synod of Janua. Later, the Diocese of Ventimiglia was established, to which the town of San Remo now belongs, and in 1847, Bishop Biale renewed the aforementioned arrangement in his diocesan synod. Truly, that this prescription is reasonable is not only stated by Pignatelli himself (loc. cit., n. 19), but also by the Holy Sacred Congregation in the Rescript of Nullius Montis Cassini, dated January 26, 1726, in which it is decided: "It is permissible for the heirs of the deceased to call only the parish priest to the funeral, but as to whether they wish to call other priests, it is..."

[*Latin ed. p. 592*]

592 From the Sacred Congregation, concerning those who are to be included in the list of heirs to be considered for the endowment of a church: "and also in Aquen."—Regarding a decree of December 20, 1879, against a certain urban Congregation of priests who claimed to exclude vicars from the association for the burial of the dead, concerning the question: "Whether one, or rather, all vicars are always to be preferred to other priests in the association for the burial of the dead in such a

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case," the Sacred Congregation responded: "Negatively to the first part, affirmatively to the second." Regarding the allegations of the Capuchins, the Provincial admitted that the custom exists in law, but denied that it exists in practice. Moreover, he refuted the validity of the alleged custom, citing Pignatelli (loc. cit., n. 26), who stated: "Nevertheless, it must be maintained that the claim of this kind (of the opponents) has no legal basis, since it depends on the will of the heirs, and he cites the decree of the Sacred Congregation, concerning the Order of the Observant Minor Friars, of January 14, 1640, n. 696, which declared: 'that the number of religious and the election of religious for the association of bodies for burial are to be considered and pertain to the heirs of the deceased, according to their will, and that this should be observed everywhere in the future.'" Furthermore, the Provincial continues, the alleged custom cannot be upheld by the January Synod, because, according to Pignatelli, it infringes upon the freedom of choice of burial and violates the privileges of the Regulars, and because, as Peyrin observes (Ad Const. io Leonis X, § 2, n. 2), this prescription or statute smacks of a certain avarice. Moreover, according to the same Pignatelli, this alleged prescription is not supported by the lack of authority in the Bishop. For bishops, in their synods, cannot derogate from common law, and much less abolish the privileges of the Regulars. Therefore, Pellizzarius (Man. Regul., vol. 2, tract. 8, cap. 6, sect. I, n. Jj), in response to the question: "Whether Ordinaries can make a decree that Regulars are not to be called to a funeral, unless all clerics have been called first," answers: "They cannot, because such a decree... derogates from the right that the Regulars have."

[*Latin ed. p. 593*]

Veniimilien. 5, 9.S. "Quid est opinio vestra?" interrogat Provincialis, posteaquam Synodus Ianensis confirmata est a Sancta Sede. Respondet, adducens Pignatelli, quod eiusmodi confirmatio non facta est in forma specifica, sed tantum in forma communi; alioquin, esset necessaria expressa derogatio privilegiis Regularium; et quod citatum articulum Synodi Ianensis refertur solum ad officia funebria in paroeciali ecclesia peragenda. Deinde, quoad litteras S. C. E. E. et R. R. ad Episcopum Albinganensem, supra allatas, P. Provincialis, auctoritate eiusdem Pignatelli, affirmavit eas nullum pondus habere in praesenti questione, tum quia supponunt Synodum Ianensem fuisse confirmatam in forma specifica, tum etiam quia decretum Synodi Albinganensis loquitur de exequiis funebribus et de psallendis divinis officiis in ipsis ecclesiis parochialibus, non autem loquitur de cadaveribus comitandis. Hoc confirmatur duabus decisionibus Sacrae Congregationis, in quarum prima, diei 23 Novembris 1663, declaratum est: "Synodum praefatam (Albinganensem) non comprehendere Regulares in casu de quo agitur, ideoque esse ad libitum disponendum vel ipsorum haeredum convocare numerum clericorum et

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Fratrum quos maluerint, contrariis quibuscumque minime obstantibus"; quod decretum confirmatum est subsequenti decisione diei 27 Martii 1664. Deinde, P. Provincialis repulit consuetudinem oppositam, utpote nulla subnixa probatione; quin imo, affirmavit contrarium prorsus probari. In recursu ad Sanctam Sedem facto a Superiore Conventus S. Remi anno 1833, contra Capitulum praetendentem impedire Capuccinos ab interventu in elatione cadaverum, dicitur, ipsos fere semper fuisse in quasi possessione iuris associandi cadavera etiam absque interventu cleri saecularis. Item, anno 1843, eadem quaestio circa officia funebria.

(1) Hoc roborari potest ex aliis resolutionibus, uti in una Senarum S. C. R. 7 Decembris 1641, n. 784, et in alia Ordinis Carmelitarum S. C. E. E. et R. R. 16 Decembris 1729, quae referuntur in Actis S. Sedis, vol. 29, p. 86 (N. R.).

[*Latin ed. p. 594*]

From the Sacred Congregation of Councils, number 594, a question arose concerning associations. The Bishop of Ventimiglia issued a decree against the Capuchins, who appealed again to the Holy See, but it is not clear whether a resolution was issued in this controversy. However, it is certain, says the Provincial Father, that the Capuchins have abused their privileges; and this is demonstrated by certain testimonies, and by a certain list of the deceased, whose bodies were associated by the Capuchins to the church at the invitation of the heirs, despite the protests of the Chapter. Question: Whether the Fathers Capuchins can associate bodies with the intervention of the Canons of the Collegiate Church and the parish clergy, separately from the heirs of the deceased, who are invited in this case. Resolution: The Sacred Congregation of Councils, after considering all matters, responded on November 19, 1904: Affirmative. I. Regarding common law, the heirs or relatives of the deceased can call any priests they wish to participate in the association of the body, even without the knowledge or consent of the parish priest. 2. Therefore, apart from the parish priest of the deceased, who by law of the Roman Ritual has the right and duty to intervene, the heirs can invite even religious, canons, and other priests to the funeral association. 3. This right of the heirs cannot be infringed by a contrary custom, both because it concerns purely optional acts, in which a prescription cannot prevail, and because such an infringement would be an impediment to the natural freedom of the heirs. 4. In the present case, the immemorial custom invoked by the canons and the parish of Saint Remi was not valid, indeed, it appears that a contrary practice favoring the Capuchins prevailed. 5. Nor can the synodal statutes be invoked with any validity, since, besides being only generically approved by the Holy See, they must be considered abrogated by the subsequent general decree of the Sacred Roman Congregation

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of January 14, 1640.

[*Latin ed. p. 595*]

From the Sacred Congregation of Rites, Order of Friars Minor: Granting of the Mass of the Immaculate Conception in churches using the Roman-Seraphic Calendar.

Reverend Father Brother Bonaventura Marrani, General Procurator of the Order of Friars Minor, humbly presenting his common petitions, implored the Most Holy Lord Pope Pius X with fervent prayers, that both in churches belonging to the aforementioned Order, and in others legitimately using the Roman-Seraphic Calendar, on the days of the Vigil and within the Octave of the Immaculate Conception of the Blessed Virgin, all Masses, except the Conventual Mass, may be celebrated of the same Immaculate Conception of the Blessed Virgin Mary, as these churches enjoy the privilege, throughout the year, on each Sabbath, granted by the Apostolic See through Letters in the form of a Brief, even if the Office of double rite occurs; except on more solemn days, namely those of the first and second class, and other privileged days, according to the Rubrics, in which only one solemn Mass of the aforementioned feast is requested.

Furthermore, the Sacred Congregation of Rites, by virtue of the special faculties granted to it by the same Most Holy Lord, graciously acceded to the petitions: except for the double feasts of the first and second class, and privileged Sundays, in which only one solemn Mass of the Immaculate Conception of the Blessed Virgin Mary is sung, the Conventual Mass, corresponding to the Office of the day, is never omitted; the Rubrics are to be observed.

Contrary decrees notwithstanding.

January 20, 1905.

A. L.

† S. Card. TRIPEPI, Pro-Prefect.

† D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 596*]

From the Sacred Congregation of Rites, ROMAN or PARISIAN. Decree concerning the Beatification and Canonization of the Venerable Servant of God, Magdalene Sophie Barat, foundress of the Society of the Sisters of the Sacred Heart of Jesus. Regarding a doubt: Whether she possessed the theological virtues of Faith, Hope, and Charity, in God and towards her neighbor, as well as the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those virtues annexed to them, in a heroic degree, in the case and to the extent of what is being considered.

When, at the close of the eighteenth century and the beginning of the nineteenth, the fires of civil strife raged intensely throughout France, that

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divine voice was heard more clearly by some: "I am come to cast fire upon the earth; and what will I, but that it should be kindled?" Indeed, that voice was opposing the terrible flames of anger and vice with the fire of charity; it was a voice calling men back to mutual love and concord, by her own example: "Learn from me, for I am meek and humble of heart, and you shall find rest for your souls."

Venerable Servant of God, Magdalene Sophie Barat, deeply perceiving this, was so inflamed with love for the Sacred Heart of Jesus, that she herself shone as a beacon of sanctity, and diligently attended to the salvation of her neighbors. It seemed that the fire of love was foreshadowed in her very birth, which occurred on the night when a large part of the town of Joigny in Burgundy was consumed by fire, that night being the eve of the Ides of December in the year 1779. As a result, when the girl was subsequently asked about her birth, she responded candidly that she had come forth from the fire. And there was no falsehood in her words, for everything about her – her mind, her speech, her demeanor, her movements – testified to this. From her earliest years, she was distinguished by her singular innocence of life and her exceptional natural gifts, and she strove above all to please God and to respond most faithfully to the gifts of His grace. As a foreshadowing of her future destiny and mission, she cultivated her intellect with all diligence; nor did she neglect the study of Greek and

[*Latin ed. p. 597*]

Having devoted herself to studies in Latin, with the addition of knowledge of the Spanish and Italian languages, she also added to this a love of philosophy and a concern for sacred matters, under the guidance of her most severe and pious teacher, her brother, who would later become a most worthy and useful minister of the Religious Order. Having proven herself in this domestic training, and especially accustomed to obedience, humility of spirit, and endurance of both bodily and mental suffering, at the age of twenty, she was placed by her brother in Paris, with a most pious woman, and was given as her teacher, that very Joseph Varin of the Society, who was already then planning the establishment of a congregation of sacred virgins for the education of girls. In that house, she first, along with two companions, dedicated herself to the Heart of Jesus, as if sowing the evangelical seed of mustard, which would grow into a great tree. Soon, the number of members of the Congregation began to increase, and she was their leader; then a new house was established in Gratianopolis; and then, in America, at St. Aloysius in Missouri, and at St. Charles, marking the beginnings of a female apostolate. Without ceasing her work, through many difficulties and anxieties, other houses were opened in various regions of the world, especially in the city itself, near the Most Holy Trinity on the hill in the garden. This most pious Virgin led the same laborious life, hidden in the Heart of Jesus, until the age of eighty-five. Then, finally, she was struck by a

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sudden illness, which she bore with the utmost serenity, and on the twenty-fifth day of the month of May, in the year 1865, on the very day when the mystery of the Ascension of Christ was being celebrated, in the house of the Society in Paris, having broken the bonds of the body and, as it were, having taken flight on the wings of love, she followed her Divine Spouse. The news of her death not only drew a large crowd of people to view her precious remains, but also aroused faith everywhere, as is usually the case with those who have attained heavenly glory, and who are considered to be closer to God. And with this opinion of her sanctity growing more and more, both near and far, and confirmed by miracles, *Acta S. Sedis*, Vol. XXXVII, p. 9. 38.

[*Latin ed. p. 598*]

From the Sacred Congregation of Rites, the ordinary process began with due authority; upon its completion, the entire matter was presented to the Sacred Congregation of Rites; until, on the eighteenth day of the month of July in the year 1879, the Most Reverend Leo XIII, Pope, dispensing with the ten-year period, signed with his own hand the Commission for the Introduction of the Cause of the Venerable Servant of God. Subsequently, the Apostolic Process was conducted by the Sacred Congregation of Rites concerning the heroic degree of virtues. And the first action took place in a preparatory meeting held before him, Most Reverend Cardinal Caietan Aloisi-Masella, the Relator of the cause, on the eve of the Ides of June in the year 1900; then in a double preparatory meeting in the buildings of the Vatican, on the sixth day before the Kalends of June in the year 1902, and on the eve of the Ides of January in the following year; finally, in a general Congregation held there, before His Holiness Pope Pius X, on the sixteenth day before the Kalends of February of this present year, 1905, in which the Most Reverend Cardinal Dominic Ferrata, having taken the place of the deceased Most Reverend Cardinal Aloisi-Masella, proposed for discussion the following question: "Whether it is established that the Venerable Servant of God, Magdalena Sophia Barat, possessed in a heroic degree the theological virtues of Faith, Hope, and Charity in God and in her neighbor; and also the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those virtues which are joined to them." The Most Reverend Cardinals and Consultors, each in turn, gave their votes; after these had been considered, the Supreme Pontiff, deeming it necessary to suspend the proceedings, encouraged those present to invoke heavenly light in order to judge rightly. Today, on this day, Sunday, the sixth day after the Epiphany, having completed the Sacred and most devout ceremonies in private, he entered the noble hall of the Vatican buildings and, seated on the Pontifical Throne, summoned the Most Reverend Aloisi Tripepi, the Pro-Prefect of the Sacred Congregation of Rites, and the Most Reverend Dominic Ferrata, the Relator of the cause, as well as the Reverend Father Alexander Verde,

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the Promoter of the Faith, and myself, from the Secretariat, and, in their presence, solemnly declared: "It is established that the Venerable Servant of God possessed in a heroic degree the theological virtues of Faith, Hope, and Charity in God and in her neighbor; and also the cardinal virtues of..."

[*Latin ed. p. 599*]

From the Sacred Congregations of Prudence, Justice, Temperance, and Fortitude, and also from the Venerable Servant of God, Magdalena Sophia Barat, we have received, concerning the matter at hand, the following: This Decree was ordered to be published in the common language and in the Acts of the Holy Roman Church on the Kalends of February in the year 1905.

[Signed:] S. Card. TRIPEPI, Pro-Prefect.

D. Panici, Archbishop of Laodicea, Secretary.

CONCERNING MISSIONARIES IN AFRICA: Doubts Regarding the Celebration of the Feast of the Dedication of a Church.

The present General Moderator of the Society of African Missionaries (the White Fathers) has humbly presented the following doubts to the Congregation of Sacred Rites, concerning the feast of the Dedication, for a suitable resolution:

I. Whether the obligation of celebrating the feast of the Dedication of churches, on the Sunday after the Octave of All Saints, imposed by the Decree of Cardinal Caprara upon all Gallican churches, extends to all regions that have been subject to France over time, such as the Sahara and Sudan, without any prior concession from the Holy See, or any explicit declaration from an ecclesiastical superior, whether there are churches consecrated there, or only blessed.

II. Whether the obligation of performing the Office of Dedication, of which we speak in Decree No. 3752 of the Vicariate Apostolic of Senegal and Gambia, dated November 28, 1891, extends also to those Missionaries of that Vicariate who follow a proper calendar, that is, a calendar different from that of the Vicariate or Diocese.

(i) The third doubt is expressed as follows: "In this Mission (the Vicariate Apostolic of Senegal and Gambia), there are only two churches that have been consecrated, namely, in the city of Dakar, where the Apostolic Vicar habitually resided, and on the island of Gorée. The anniversary of their Dedication falls on the same day as the feast of the Dedication in France."

[*Latin ed. p. 600*]

From Sacred Congregation of Rites, III, paragraph 600. And concerning this matter, it is asked whether these Missionaries, residing in the diocese where the feast is celebrated, ought to celebrate the solemnity of the Ded-

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ication on the aforementioned Sunday in their own oratory (semi-public), located outside the city, since no day is designated in the Calendar of the Society for such a feast. And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, and after a careful and diligent deliberation by the Liturgical Commission, decided to respond as follows:

I. Affirmative, according to the Decree of Cardinal Legate Caprara concerning the reduction of feasts, dated April 9, 1802, and another General Decree of the Sacred Congregation, number 3863, concerning the Celebration of the Feasts of the Patron of the place, the Dedication, and the Title of the Church, dated July 9, 1895, in section III (1).

II. Affirmative (2), unless an indult has been obtained from the Holy See to celebrate the Anniversary of the Dedication of all churches of the Order or Society on a different day from that on which the secular clergy celebrate the Dedication of all churches, according to Decree number 3861 of the Order of the Capuchin Minor Brothers, concerning all churches.

The question is asked: "Whether, besides the priests assigned to these two churches, other Missionaries throughout the Mission are obliged or permitted to recite the Office of the Dedication on the same day." The response is: "All Missionaries are obliged to perform the Office of the Dedication on the same day that the feast of the Dedication of all churches is celebrated in France (1) according to the tenor of the aforementioned General Decree number 3863, section 3: '... If to any Diocese or Institute it has been granted to celebrate the Anniversary of the Dedication of all churches on the same day, then all and each of the clergy to whom the indult applies shall celebrate this feast once, under the rite of the first class with a blessing alone, omitting the feast of the Dedication of any particular other church.' Octave (N. R.). (2) Thus, even if a church has its own proper feast day, as in the case of the Decree of the Congregation of the Order of Saint Benedict, dated March 15, 1895, number 3847, where the Sacred Congregation decrees that the monks of that Order in France, although they have their own Calendar, are obliged to celebrate, as do almost all dioceses of France, by indult of Cardinal Caprara, the Dedication of even consecrated churches on the first Sunday after the feast of All Saints. Compare Acta S. Sedis, volume 27, page 566, Decree of Mechlin, August 31, 1867, concerning all churches. Regarding number II, 3157, it is noted (N. R.)."

[*Latin ed. p. 601*]

From the Sacred Congregation of Indulgences and Sacred Relics, dated June 22, 1895, to Instruction I (i), and from the Order of the Friars Minor Capuchin, dated July 10, 1896, to Instruction V (2). Regarding III. As provided in the preceding. And thus it was decreed, on April 1, 1905. A. Card. TRIPEPI, Pro-Prefect. Rev. D. Panici, Archbishop of Laodicea, Secretary. L. *f* S. FROM THE SACRED CONGREGATION OF INDULGENCES AND

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SACRED RELICS. An indulgence is granted to those who recite the following acts of adoration and thanksgiving to the Most Holy Trinity. Most Blessed Father, prostrate before Your Holy Feet, the Mother Superior of the Discalced Carmelites of Bologna humbly implores Your Holiness to graciously grant an indulgence of three hundred days, applicable also to the deceased, to be gained once a day by all those who, with at least a contrite and devout heart, recite the following ACTS OF ADORATION AND THANKSGIVING TO THE MOST HOLY TRINITY. Most Holy Trinity, Father, Son, and Holy Spirit, behold us prostrate before Your divine presence! We humbly prostrate ourselves and ask forgiveness for our sins. (1) Here it is decreed that: "Regular canons alone celebrate the dedication of all churches (those with their own Order's calendar), on the established day; and the dedication of the cathedral church, if they reside in the episcopal city, under the double rite of the second class, without the octave," omitting, therefore, the anniversary of the dedication of all churches of the Kingdom (N. R.). (2) This resolution is found in the Acts of the Holy See, volume 29, page 58, at II, question.

[*Latin ed. p. 602*]

6o2 From the Sacred Congregation of Indulgences and Sacred Relics: "We adore You, O Almighty Father, and with all the outpouring of our heart, we thank You for having given us Your Divine Son, Jesus, as our Redeemer, and for having left Him with us in the most august Eucharist until the consummation of the ages, revealing to us the wonders of His Sacred Heart in this mystery of faith and love! Glory to the Father, etc. O Divine Word, most beloved Jesus Sacramentally present, we adore You, and with all the outpouring of our heart, we thank You for having taken on human flesh, and for having become, for our redemption, Priest and Victim of the sacrifice of the Cross: a sacrifice which, through the excess of charity of Your adorable Heart, You renew upon our altars at every instant throughout the world. O Supreme Priest, O divine Victim, grant us to honor Your holy sacrifice in the most august Eucharist with the homage of the Most Holy Mary and of all Your Church, triumphant, purgatorial, and militant. We offer ourselves all to You, and since You deign to make us victims with You, accept our offering, unite it with Yours, and bless us. Glory to the Father, etc. O divine Spirit, Paraclete, we adore You, and with all the outpouring of our heart, we thank You for having, with so much love for us, accomplished the ineffable benefit of the Incarnation of the Divine Word, a benefit which in the most august Eucharist is continually extended and amplified. Therefore, for this adorable mystery of the charity of the Sacred Heart of Jesus, grant to us and to all sinners Your grace. Pour forth Your holy gifts upon us and upon all the redeemed souls, but especially upon the holy Church, the Bride of Jesus Christ and our Mother, upon her visible head, the Supreme Pontiff of Rome, upon all the Cardinals, Bishops,

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and pastors of souls, upon the priests, and upon all the other ministers of the sanctuary. So be it. Glory to the Father, etc. Given at Rome, from the Apostolic Palace, on the twenty-second day of March, in the year 1905, by the grace of God, Pope Pius X."

[*Latin ed. p. 603*]

Appendix 603. III. From the Most Reverend Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, benevolent approval is granted for the following prayer, to be valid perpetually and without any papal bull. Notwithstanding any contrary decrees. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 22nd of March, 1905.

A. Card. TRIPEPI, Prefect.

L. S. Joseph M. Can. Coselli, Substitute.

APPENDIX III.

Concerning marriage contracted through a procurator, messenger, interpreter, letters, telegraph, and telephone (1).

QUESTION: Do marriages, after the Council of Trent, celebrated through a procurator, still today possess the nature of a sacrament?

40. Lucius Ferraris, in the aforementioned *Bibliotheca Canonica* (under the word "Matrimonium," article 1, number 34), regarding this question, states: "Whether such a marriage, contracted between absent parties, now after the Council of Trent, possesses the nature of a sacrament, is a matter of differing opinions among the Doctors. Those who hold a negative opinion are Sylvester, Canus, Ledesma, Rebellio, Cajetanus, Victoria, Estius, and others, because they say that, since the conferring and receiving of the sacrament is a personal act, marriage, as a sacrament, cannot be perfected or received unless the minister and the subject are present; furthermore, because the Council of Trent desires that the man and the woman be questioned about their mutual consent, and therefore desires that they be present." Those who teach that a positive opinion is to be held by all are Innocent (1).

(1) *Cf.* Acta S. Sedis, vol. 37, p. 410-420.

[*Latin ed. p. 604*]

Appendix III: Covarruvias, Paludanus, Sotus, Valentia, Navarrus, Barbosa, Sporer, Pontius, Mendo, Aversa, Mastrius, Reiftenstuel, Henno, La Croix, and many others, in Sánchez, *De Matrimon.*, book 2, disputation 1, section 1; Fräsen, *De Matrimon.*, tractate 3, disputation 2, part 1, question 3, where he testifies concerning the common opinion. This opinion is called the most true by Castropal, disputation 2, page 9; Tannerus and Gobat, tractate 10, number 278, say that it is to be condemned as temerity for

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anyone to deny this in this time. Furthermore, the practice and the sense of the Church are added, which, in fact, permits marriages to be publicly celebrated in this manner, especially among the nobility, which it would not permit if a marriage celebrated between absent parties were not a sacrament, since it always desires the sacrament to be received when marriage is entered into. Then, because, as stated above in number 16, the sacramental reason is essentially intertwined with the reason of the contract among the faithful, and the one cannot be separated from the other, since the very contract of marriage is itself the sacrament. Therefore, if, according to the opinion of the doctors, a marriage celebrated between absent parties is valid in the reason of the contract, it must also be legitimate and valid in the reason of the sacrament, if, as has been said in number 33, the necessary conditions are observed.

41. From the words of this author, it is clear: a), that the doctors are not entirely in agreement in determining the question of whether marriages celebrated by a procurator are also valid in the reason of the sacrament; b), that he himself completely adheres to the opinion affirming this; c), and that he is moved by these reasons: 1. because the Church permits these unions, and would certainly not permit them if the reason of the sacrament were absent from them; 2. because these unions, since they are certainly valid in the reason of the contract, must necessarily also be valid in the reason of the sacrament, since the one reason cannot be separated from the other.

42. Let us now see whether this doctrine of Lucius Ferraris should be accepted purely and simply. And in order to achieve this more easily and safely, let us first examine a more general question: whether the reason of the contract and the reason of the sacrament in marriage...

[*Latin ed. p. 605*]

Appendix III

6. These two [aspects of marriage, namely the sacrament and the contract] are so closely intertwined and associated with each other that we cannot, in any way, present the hypothesis that a marriage valid by reason of the sacrament is invalid by reason of the contract, or vice versa.

7. Everyone, even those not particularly learned in theology and law, knows that this matter was once fiercely debated among the Doctors, especially considering Chapters 11 concerning clandestine marriages and Chapter 1, Session XXIV of the Council of Trent. In these passages (as Saint [Thomas Aquinas] says in the title *De Sponsis et Matrimonio*), it is stated that the clandestine marriages of the faithful, that is, those contracted without any priestly blessing and without religious rite, were indeed recognized by the Church as valid and ratified; but this was strongly reprobated. Why, then, do these Doctors [Vasquez and others, cited by Saint Thomas, who, however, does not follow them] say that such marriages were repro-

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bated, if not because they were not sacraments?

8. However, whatever may have been debated in the past, today it must be held that there are two reasons that are inseparable in practice, so that the unions of Christians are either valid under both aspects, or under neither. This understanding has become certain, especially after the declarations of Pius VI, Pius VIII, Gregory XVI, and especially Pius IX, first in the Allocution to the Consistory of September 27, 1852, and then in the Syllabus, in which proposition number LXXIII was reprobated, formulated in this way: "The true marriage among Christians can exist based solely on the civil contract; and it is false that the marriage contract among Christians is always a sacrament, or that there is no contract if the sacrament is excluded."

9. Although this doctrine is now certain and must be held absolutely, regarding the question of whether this should be understood in such a way that it admits of absolutely no exceptions, and therefore that no Christian union whatsoever should be considered valid that is lacking the sacramental aspect, we answer: No.

10. Even today, this is held by the most serious Doctors, as is evident...

[*Latin ed. p. 606*]

6o6 Appendix III: It is, for example, as Gasparri states in *De Matrimonio*, vol. i, n. 229, edition i, that marriages celebrated by Christians with non-Christians, with a papal dispensation, are considered valid insofar as they are a contract, but invalid insofar as they are a sacrament. And this is so, either because of the indivisibility of the act, or because such unions do not perfectly reflect the figure of the mystical marriage between Christ and the Church.

47. But let us now see whether, among the unions that are excepted, or are valid insofar as they are a contract, but are at least probably invalid insofar as they are a sacrament, there are also to be included those about which we are speaking, namely, those celebrated through a procurator.

48. We have heard Ferraris affirming that this is indeed the opinion of many doctors. And since Ferraris also includes Melchior Canus among those he cites, we deem it fitting to reproduce his words here. In his treatise *De Locis Theol.*, book VIII, chapter v, Canus writes: "Therefore, the Church does not teach that every marriage of the faithful is a sacrament. Unless someone is so mad as to condemn Cajetan, who, and in my opinion, most probably and truly, has affirmed that a marriage contracted between absent parties through letters and procurators is a sacrament. For those who clamor that Cajetan is mistaken do not understand either what they are saying or about what they are affirming. But if they attempt to refute opinions with no suitable or necessary argument, but with foolish and turbulent clamor, and therefore to condemn what has been said probably and

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truly, then we will, in quiet and silence, laugh at their folly and ignorance. Let them concede that a sacrament is taken for one thing, when in fact it is another; let them concede that the sacraments of Christ are administered to the absent, and that they confer grace and remit sins. But since these things are absurd, we prefer to concede that such contracts, which are made between absent parties, are indeed true marriages, but are in no way true sacraments."

49. This argument of Canus pleased so much the most learned Sebastian Berardi, that in his *Comment-

[*Latin ed. p. 607*]

Appendix III 607, in the universal ecclesiastical law, volume II, dissertation I, question III, has reproduced the entire text, with certain passages highlighted and noted, in order to better explain, strengthen, and defend his opinion.

50. It is evident from what has been said that little progress will be made in elucidating this question by those who, content with the authority of doctors, oppose citations with citations and names with names. For what is denied by some is vehemently disputed by others. Therefore, seeking a more fruitful path to achieve our intended goal, we inquire: a) what should be thought of the arguments presented by both sides, as we have seen; b) what is the true opinion, and which reasons are more valid.

51. If it were to be believed, for example, that Lucio Ferraris affirms that marriages contracted through a procurator are valid under the notion of sacrament, then, according to him, this should be considered true: a) because otherwise the Church would not permit them; b) because the reason for the sacrament is inseparable from the validity of the contract. If, on the other hand, it were to be believed that Cano denies the existence of sacraments, then, according to him, this would be true: a) because sacraments cannot be received by one (e.g., by Caius) for another (e.g., for Sempronius); b) because sacraments cannot be administered in the absence of those to whom they are intended, nor can they confer grace or remit sins upon them.

52. But we openly declare that both Ferraris and Cano, and their followers, are mistaken when they present such arguments. For it is not difficult to demonstrate to a few that these arguments are inconclusive and absurd.

53. Indeed, the first argument, which Ferraris uses, is both inconclusive and absurd, namely, that marriages should be considered sacraments, otherwise the Church would not permit them. It is easily answered that the Church also permits certain marriages between Christians and non-Christians, under certain laws, which marriages, at the very least, have no validity under the notion of sacrament (and, if we have any opinion, most certainly no validity). Furthermore, the Church always requires and

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insists, as Ferraris claims, on the reason for the sacrament in marriages celebrated, and does so so that the faithful may receive grace.

[*Latin ed. p. 608*]

608 Appendix III are omitted. But this must be understood insofar as the marriages themselves truly possess the nature of the sacrament. For, if they lack this, how could this be urged and demanded without absurdity? 54. Furthermore, the argument presented by Ferraris, or similar arguments, is inconclusive and absurd, namely, that such marriages are valid because the reason for the sacrament is entirely inseparable from the reason for the contract. The answer to this is readily apparent: it has not yet been certainly established that there is such an absolute and constant inseparability, as is also demonstrated by the marriages of Christians begun by Apostolic dispensation with non-Christians. 55. And because a large part of our argument against Ferraris is based on these marriages of Christians with non-Christians, perhaps no one will object or refute us by noting the difference in the circumstances, since in marriages through a procurator, both (as we assume) of the contracting parties are baptized, while in the marriages of Christians with non-Christians, only one is baptized. To those who might object in this way, it must be replied that the example of marriages of Christians with non-Christians, if not equal in terms, is at least equal in its power of proof, since it at least presents the case of a marriage validly celebrated by a baptized person, but which, at least probably, lacks the reason for the sacrament. Briefly, in order for our argument to be overturned, it would be necessary to prove that all marriages, absolutely and without any exception, celebrated by baptized persons are also valid under the reason for the sacrament, in exactly the same way as all marriages, absolutely and without any exception, are valid under the reason for the contract. 56. In the same way (as I return to the point from which I have wandered for a time), the arguments of Ferraris, which are inconclusive and ineffective in attempting to prove that marriages through a procurator are sacraments, are also inconclusive and ineffective in attempting to prove that they are not. 57. Truly, the first argument, derived from the premise that no one can confer a sacrament for another, is inconclusive and absurd.

[*Latin ed. p. 609*]

Appendix III 609. For, when a procurator merely provides service to the one who gives the mandate, the contract between this person and the other spouse is truly entered into, from which the sacrament is administered to each spouse, or from one spouse to the other.

58. Furthermore, the argument derived from the fact that sacraments cannot be conferred in the absence of parties is both inconclusive and ineffective. For, among those who are absent, the matrimonial contract is properly and proximately perfected, just as with others. Assuming, there-

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fore, the perfection of the matrimonial contract, the sacrament itself is also perfected by that very unique and indivisible act (for the two reasons are inseparable). This, indeed, is exclusively proper to the sacrament of marriage, because it has only one aspect of a contract.

59. This is the true reason for deciding the case, from which, rejecting all other arguments, we maintain that the true opinion is that marriages contracted through a procurator are also valid in the aspect of the sacrament; and the true reason for which this must be affirmed and maintained is to be found in the fact that Christian marriage, although it is a sacrament, and indeed before it is a sacrament, is a true and proper contract, from which the consequences of contracts necessarily follow, unless something is proven to be an exception, as, for example, the possibility of dissolution.

60. For, although all and each of the sacraments agree in that they are efficacious signs of grace, they differ from each other because each has a special character and nature, such as the character and nature of baptism, which is that of washing; the Eucharist, which is that of a meal; penance, which is that of judgment; marriage claims its own, that it subsists as a contract.

61. From this fact, several logical consequences follow, such as: a) that it can be celebrated under a condition, for example, of a future event (if a ship arrives from Greece); b) that it can be healed in its root (even, for example, fifty years after its celebration); c) that it can be administered without the form expressed in words (as are the marriages celebrated by the deaf). These are certainly very different from those that are...

[*Latin ed. p. 610*]

Appendix III: And likewise with other sacraments, in which, indeed, as, for example, in the case of Holy Orders, conditions, sanctions, and the conceived form are utterly incomprehensible.

62. Now, if marriage, because of the singular nature of the contract it involves, logically entails all these things, it is not surprising that it also entails others, which are entirely foreign to other sacraments. Thus, for example, the other sacraments are conceived only when they are administered to those present, and, conversely, marriage can be validly contracted even between those who are absent. Thus, for example, other sacraments generally require a certain more intense (if it is permissible to say so) degree of knowledge and will for their valid administration and reception, while, conversely, in marriage, a less intense degree suffices. For, provided that there is sufficient intention on both sides to enter into the contract, and provided that the sacrament is not excluded, this is sufficient for its validity, so that even marriages contracted by the ignorant, who do not know that marriage is a sacrament, or by heretics, who vehemently deny that it is a sacrament, are also valid.

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63. Nor should the authority of St. Alphonsus be objected to us, who (Moral Theology, On the Sacraments in General, Book V, n. 82) more truthfully affirms that it is better to agree with Lugo, who holds that in marriage, at least a virtual intention of the sacrament is always required, and that, as he himself says, because each spouse is not only a recipient, but also a minister of the sacrament, a certain intention is certainly required of them, of the same kind as is required of ministers of the sacraments. For, concerning this question, it must be admitted (without irreverence) that St. Alphonsus has judged and written less correctly. For, since marriages celebrated by the faithful are also, by the will of Christ, sacraments, far less is required concerning the knowledge and intention of those receiving and administering the sacrament of marriage, than is required of those receiving and administering other sacraments! It is sufficient that they know and intend marriage as a contract, and that they do not exclude it as a sacrament.

[*Latin ed. p. 611*]

Appendix III, section 64. It will become clearer and more evident if we consider, for example, the hypothesis of a man and a woman, both baptized in infancy, and subsequently kidnapped by non-Christians (e.g., barbarians) and raised by them, who enter into marriage completely unaware of the sacrament. Indeed, we believe that even St. Alphonsus would not, in considering the validity of this marriage under the aspect of the sacrament, give a negative response, or deny the sacramental nature thereof, and this because, generally speaking, all marriages contracted by the baptized are also sacraments. And yet, we ask, what is the virtual intention of such ministers? Certainly, no intention can be recognized in them other than a purely interpretative one. For, apart from the actual intention (which is present here and now), or the virtual intention (which preceded and sufficiently persevered), or the habitual intention (which preceded, but, although not retracted, does not sufficiently persevere either in itself or in its effects), we have not known of any other intention in the performance of sacraments except the interpretative intention, that is, the intention which (as Scavini states in THEOL. MOR., DE SACR. IN GEN.) is neither actually present, nor has it ever existed, but would be present if the object were to occur to the mind. Indeed, in our case, even this strict interpretative intention would not be required, since it is very likely that such spouses, baptized in infancy but raised among non-Christians, would respond negatively, or exclude the sacramental aspect, but a sufficiently broad interpretative intention would suffice, consisting in the fact that it does not positively exclude the sacramental aspect of marriage among the baptized!

65. Therefore, from what has been discussed so far, it is clear that the opinion that admits the true and proper nature of the sacrament in marriages contracted through proxies is a certain and tenable one; and this is true for no other reason than because Christian marriages, before being

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sacraments, are contracts that exist by priority of reason, so that: a) they generally and most certainly follow the nature and fate of other contracts; b) precisely because the marriage contract is perfected, e.g., by the fulfillment of a condition, the granting of a dispensation at the root, and, in our case, the celebration of the marriage by a proxy.

[*Latin ed. p. 612*]

6. The celebrant, it must also be a sacrament, even though he may at that moment be thinking of nothing at all concerning the celebration, etc.; c) All of these things are also true today, after the Council of Trent, since the Council, in determining the form of celebrating marriages, has made absolutely no change regarding the nature of marriage, etc., etc. Carolus Lombardi (Follows) Professor at the Pontifical Roman Seminary. Diary, November 10, 1904. Pope Pius X has already sent a letter of congratulations to the Most Reverend Francisco Xaverio Haber, President, and to the other Directors of the German Cecilian Society, for their excellent merits in sacred music. Furthermore, the Pope, in a letter addressed to the Archbishop of Camerano, dated January 31, 1905, earnestly encourages all the French people, and especially the people of Camerano, to generously contribute to the funds that are customarily provided every ten years for the benefit and progress of the Catholic Lyceum of the Isle of Reunion. On February 12, 1905, the same Pope sent his own handwritten letter of congratulations to the Reverend Jacob Poletto, Extraordinary Protonotary, for the work presented to him, entitled "La Vergine Madre nelle opere e nel pensiero di Dante Alighieri" (The Virgin Mother in the works and thought of Dante Alighieri). On February 13 of the same year, he sent a letter to the Most Reverend Augustine Bartolini, General Custodian of the Accademia Arcadia, in which he congratulates him "for having, with a view to the benefit of the times, wished to add public discussions and exercises to literary pursuits, by which both religion and the common good are promoted." Furthermore, on February 20, he congratulated the Reverend L. A. Paquet, Dean of the Faculty of Laval, for the volumes presented to him, which encompass the entire doctrine of Saint Thomas Aquinas. Finally, on March 27, His Holiness, according to the customary ceremonies prescribed in the Roman Ritual, conferred the *rocchetto* upon the Illustrious and Reverend Archbishops and Bishops announced in a secret Consistory on the same day. Furthermore, His Holiness, through a letter from the Secretariat of State, deigned to appoint His Eminence Cardinal Sebastian Martinelli as Protector of the Venerable Archiconfraternity of the Most Holy Mary of Good Counsel at Monte. Finally, through a letter from the same Secretariat of State, His Holiness deigned to include the Reverend Father Pacificus of Seggiano, a Minor Capuchin, Apostolic Preacher, among the Consultors of

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the Holy Congregation of Rites.

[*Latin ed. p. 613*]

ACTS OF THE ROMAN PONTIFF: ENCYCLICAL LETTER. HIS HOLINESS, POPE PIUS X, OF HAPPY MEMORY, TO THE MOST REVEREND PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARY PASTORS OF THE ENTIRE CATHOLIC WORLD, CONCERNING THE TRANSMISSION OF THE CHRISTIAN DOCTRINE.

TO THE MOST REVEREND BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARY PASTORS WHO ARE IN PEACE AND COMMUNION WITH THE APOSTOLIC SEE, PIUS PP. X, sends greetings and the Apostolic blessing.

A most grievous and difficult time has befallen us, and the divine plan of the Supreme Pastor, to guide the entire flock of Christ, has brought about a great trial for Our humility. For the enemy of man has long wandered about this very flock, and with cunning he lays snares, so that it now seems that what the Apostle foretold to the elders of the Church in Ephesus has come to pass: "I know that wolves will enter in among you, who will not spare the flock" (Acts 20:29).

Those who are still devoted to the glory of God seek to discover the causes and reasons for this state of affairs; while others propose various explanations, according to their own judgment, in order to safeguard and restore the Kingdom of God in these lands.

To Us, Venerable Brothers, although We do not reject other opinions, it seems most fitting to agree with those who judge that the present laxity of morals and the seeming weakness, and the grave evils that arise from them, are primarily due to a lack of knowledge of divine things. This is in perfect agreement with what God Himself said through the prophet Oseas: "For there is no knowledge of God in the earth; there is only lying, and murder, and theft, and adultery, and wickedness in abundance" (Oseas 4:2).

[*Latin ed. p. 614*]

The Encyclical Letter [ÓI4] has revealed, and blood has touched blood. The earth, and all who dwell therein shall languish (1). And truly, in this our age, there are many in the Christian people who are immersed in the utmost ignorance of those things which it is necessary to know for eternal salvation, and these complaints, alas! are not unjust.

For when we speak of the Christian people, we do not mean merely a crowd or a following of men, who often admit some excuse for their ignorance, because, being subject to the harsh rule of their lords, they can scarcely manage to provide for themselves and their families; but we also mean those, even and especially those, who, although not lacking in intelligence or culture, are filled to the brim with profane learning, and yet, as far as religion is concerned, live quite recklessly and imprudently. It is difficult

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to express how deeply these people are often enveloped in darkness; and what is even more lamentable, they lie there peacefully! They think nothing of the supreme Author and Governor of all things, God, nor of the wisdom of the Christian faith. Hence, they know nothing of the Incarnation of the Word of God, nor of the perfect restoration of the human race by Him; they know nothing of Grace, which is the very help for attaining eternal life, nor of the august Sacrifice, nor of the Sacraments, by which we attain and retain that very Grace. But sin, what wickedness does it not contain, what ugliness does it not involve? Therefore, there is no concern for avoiding it, nor for abandoning it; and thus, the day arrives when the priest, lest all hope of salvation be lost, in the very last moments of the lives of those who are dying, imparts some basic instruction in religion, if, that is, he is not met with that culpable ignorance which is so common, so that they may consider the priest's efforts to be superfluous, and, not pleasing God at all, may think that the terrible path of eternity can be entered with a tranquil mind. Hence, it is rightly written (1).

(1) Os. iv, 1 et seq.

[*Latin ed. p. 615*]

The Encyclical Letter of Our Predecessor, Pope Benedict XIV:

We affirm that a great number of those who are condemned to eternal torments suffer that calamity perpetually because of their ignorance of the mysteries of the faith, which they are necessarily obligated to know and believe, in order to be numbered among the elect (1).

Given these things, Venerable Brothers, what wonder do we find, if vice and the corruption of morals and customs increase so greatly, not among barbarian nations, but within very nations that bear the Christian name? The Apostle Paul, writing to the Ephesians, declared these things: "But now I speak to you that are not carnal, but carnal: and that walk as men. Fornicators and all uncleanness, nor covetousness, let it not be named among you, as it becometh saints; neither let there be any whoredom, nor any uncleanness of speaking, nor foolish talking, nor jesting, which are not convenient" (2).

But the foundation of this sanctity and modesty, which restrains desires, is laid in the divine wisdom: "See therefore, brethren, how you walk: and be not foolish, but wise... Therefore be not unwise, but understand what the will of the Lord is" (3).

And this is rightly so. For the will of man, which was given by God himself, the Author of all that is good and right, to love that which is good and true, is scarcely retained. Corrupted by the first sin, and almost forgetting its Creator, this inclination turns to all things, so that it loves vanity and seeks falsehood. Therefore, the will, blinded by evil and perverse desires, needs a guide to show the way, so that it may return to the paths of justice.

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But this guide is not to be sought elsewhere, but is found within nature itself: it is the mind itself; and if this mind lacks the light of divine knowledge, it will be as if a blind man were leading another blind man, and both will fall into a pit. The holy King David, when praising God for the light of truth, said:

(1) *Instit. XXVII, 18.*

(2) *Ephes., v, 3-5.*

(3) *Ib., 15-17.*

[*Latin ed. p. 616*]

Letter 616: "It is signed," the Encyclical stated, "that the light of thy countenance, O Lord, shines upon us." And what follows from this great gift of light, it adds, saying: "Thou hast given gladness in my heart; namely, a joy by which our heart is enlarged, and we pursue the path of divine commandments." This is indeed easily understood by anyone who considers it. For Christian wisdom reveals to us God and His infinite perfections, which are far beyond what the powers of nature can explore. Moreover, this teaching commands us, through the office of faith, to revere the very highest God with our minds; through hope, with our will; and through charity, with our hearts; thus, it dedicates the entire person to that supreme Author and Governor. Similarly, the doctrine of Jesus Christ reveals and establishes the most excellent dignity of man, since he is the Son of the heavenly Father, made in His image, and destined to live eternally and beatifically with Him. But from this very dignity and knowledge of it, Christ infers that men ought to love one another as brothers, to live this life as befits the children of light, not in feasts and drunkenness; not in lust and impurity; not in contention and rivalry. He also commands us to cast all our cares upon God, for He cares for us; He commands us to give to the needy, to do good to those who hate us, and to prefer eternal benefits to the fleeting goods of this world. And lest we touch upon everything individually, does not the institution of Christ suggest and command humility of spirit to a man who is presumptuous, which is the origin of true glory? "Whoever... humbles himself..., he is greater in the kingdom of heaven." (3) From this, we are taught prudence, by which we must beware of the prudence of the flesh; justice, by which we give to each one what is his due; fortitude, by which we are prepared to endure all things, with a steadfast spirit, for God and for eternal blessedness.

(1) Psalm 4, 6.

(2) Romans 13, 13.

(3) Matthew 18, 4.

[*Latin ed. p. 617*]

We shall endure the Encyclical Letters; and finally, let us possess temperance, whereby we may even embrace poverty for the sake of the Kingdom

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of God, and even glory in the very Cross, despising confusion. Therefore, it is fitting, according to Christian wisdom, not only to borrow light from our intellect, by which we may attain truth, but also to kindle ardor in our will, whereby we may be drawn to God, and united with Him through the exercise of virtue. Indeed, we are far from asserting that the corruption of the soul and the depravity of morals can be joined with the knowledge of religion. Would that actions did not prove this too much! However, we maintain that when the mind is enveloped in the darkness of crass ignorance, it is utterly impossible to have either a right will or good morals. For he who walks with open eyes can certainly discern the right and safe path; but he who suffers from blindness certainly faces danger. Furthermore, if the light of faith is not completely extinguished, the corruption of morals offers hope for amendment; but if both are joined, and if, through ignorance, faith is lacking, there is scarcely any room for medicine, and the path to ruin is evident. Since so much and such grave harm derives from ignorance of religion; and on the other hand, since the necessity and utility of religious instruction are so great, it is vain to hope that a Christian man will fulfill his duties if he is ignorant of it: it is therefore necessary to inquire who is to guard against this most pernicious ignorance, and to imbue minds with the necessary knowledge. This matter, Venerable Brothers, admits of no doubt: for this is a most serious duty that pertains to all who are pastors of souls. These, indeed, are bound by the command of Christ to recognize and feed the sheep entrusted to them; and to feed them, first of all, is to teach; "I will give you pastors according to my own heart, and they shall feed you with knowledge and understanding," thus God promised through Jeremiah (i). And the Apostle Paul said: "Not that I speak in condemnation, but as in truth, the weakness of your flesh I bear with in my soul" (i).

(i) Jer. III, 15.

(i) 1 Corinthians 9:15.

[*Latin ed. p. 618*]

Letter 618, Encyclical, concerning baptism, but also evangelization, indicating, namely, that the primary duties of those placed in positions of responsibility within the Church are to instruct the faithful in matters pertaining to the sacred. To pursue the praises of this instruction seems superfluous, and how much it pleases God, we shall demonstrate. Certainly, the mercy which we show to the poor, to alleviate their distress, receives great praise from God. But who would deny that the study and labor by which we bring about, not merely bodily benefits, but eternal salvation to souls, through teaching and admonishment, deserves even greater praise? Indeed, nothing can be more pleasing, nothing more agreeable, to Jesus Christ, the Savior of souls, who declared of Himself through Isaiah: "He hath sent me to preach the Gospel to the poor" (2). However, it is fitting, Venerable Brothers, to emphasize and urge this

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one point: no priest is bound by a more serious duty, nor obligated by a closer bond. For who would deny that a priest must possess knowledge pertaining to the sanctity of life? "The lips of the priest shall keep the knowledge" (3). And the Church truly demands this knowledge most severely in those who are to be initiated into the priesthood. But why is this so? Because the Christian people expect from them knowledge of the divine law, and God has appointed them to impart it: "And they shall seek the law from his mouth" (4). Therefore, the Bishop, addressing the candidates for the priesthood during the sacred initiation, says: "Let your doctrine be the spiritual medicine of the people of God; let yourselves be diligent co-workers of our order; so that meditating day and night on its law, you may believe what you read, and teach what you believe" (5). If this applies to no priest, what then shall we think of those who, by name and by power, (1) 1 Corinthians 1:17. (2) Luke 4:18. (3) Malachi 2:7. (4) Ibid. (5) Pontificale Romanum.

[*Latin ed. p. 619*]

Do the Encyclical Letters, increased to 619, fulfill the office of shepherds of souls, by virtue of their dignity and a certain almost established agreement? These are, in a certain way, the pastors and teachers whom Christ has appointed, so that the faithful may no longer be infants, wavering, and carried about by every wind of doctrine in the deceit of men; but that, by speaking the truth in love, they may grow up in all things into Him who is the Head, namely Christ (1). Therefore, the most holy Council of Trent, when treating of the pastors of souls, declares that their first and greatest duty is to teach the Christian people (2). Hence, it commands them, at least on Sundays and on more solemn feast days, to preach to the people about religion; and during the time of the Sacred Advent and Lent, daily, or at least three times a week. And not only this: it adds, "Furthermore, let the parish priests, at least on the same Sundays and feast days, instruct the boys in the truths of the faith, either themselves or through others, and teach them obedience to God and to their parents. And when the sacraments are to be administered, it commands that those who are to receive them be instructed, in the same matters, in an easy, common language." These prescriptions of the most holy Council were briefly summarized and more distinctly defined by our predecessor, Pope Benedict XIV, in his Constitution *Etsi Minime*: "Two duties, above all, have been imposed by the Council of Trent upon the guardians of souls: one, to give a discourse to the people on divine matters on feast days; the other, to instruct boys and all others in the rudiments of the divine law and of the faith." The wise Pontiff rightly distinguishes this double duty, namely, the giving of a discourse, which is commonly called the explanation of the Gospel, and the imparting of Christian doctrine. For it is not perhaps lacking in those who, eager to lessen their labor, would persuade themselves that a homily can suffice for

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catechesis. But this, it seems to us, is wrongly thought.

(1) Ephes. iv, 14, 15.

(2) Sess. V, cap. 2 de ref.; Sess. XXII, cap. 8; Sess. XXIV, cap. 4 et 7.

[*Latin ed. p. 620*]

Letter Encyclical, it is evident. For that discourse concerning the sacred Gospel is addressed to those who ought already to be imbued with the elements of faith. You speak of bread, which is broken for the adults. The catechetical instruction, on the contrary, is that milk, which the Apostle Peter desired, without deceit, from the faithful, as from newly born infants. – It is, indeed, the duty of the catechist to undertake the exposition of some truth, whether pertaining to faith or to Christian morals, and to illustrate it in every respect; since the amendment of life ought to be the goal of teaching, it is necessary for the catechist to establish a comparison between what God commands to be done and what men actually do; after this, using appropriate examples, which he has wisely drawn from the sacred Scriptures, from ecclesiastical history, or from the lives of the saints, he should urge his listeners, as it were, with a pointing finger, to understand how they should correct their manners; finally, he should encourage them, so that those who are present may be horrified by vices and turn away from them, and pursue virtue. We know, indeed, that this task of transmitting Christian doctrine is displeasing to many, because it is generally considered to be of lesser importance, and perhaps not suited to winning popular praise. However, we believe that this is the judgment of those who are led by superficiality rather than by truth. We certainly do not refuse to commend those orators who, with a sincere desire for the glory of God, or for the defense and preservation of the faith, or for the praise of the Saints, devote themselves to their work. But their labor requires another labor beforehand, namely, that of the catechists; if this is lacking, the foundations are missing, and those who build a house labor in vain. Too often, the most ornate prayers, which are received with applause by the most attentive assembly, achieve only this: to irritate the ears; they do not move the hearts at all. On the contrary, the catechetical instruction, however humble and simple, is that word of which God Himself testifies through Isaiah: "For as the rain cometh down, and the snow from heaven, and returneth not to them, but watereth the earth, and maketh it bring forth and bud, that it may give seed to the sower, and bread for meat."

[*Latin ed. p. 621*]

The Encyclical Letters state: "He who eats this bread shall live eternally: thus shall My word be that goes out of My mouth: it shall not return to Me empty, but shall accomplish what I willed, and shall prosper in that for which I sent it." (1) Similarly, we believe that the same should be said of priests who write laborious books to illustrate the truths of religion; they

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are certainly worthy of abundant praise. However, how many are there who delve into such volumes and draw fruit from the authors' labor, and who respond to the desired outcome? Indeed, the tradition of Christian doctrine, if properly carried out, never fails to bring benefit to those who hear it. For (and this, it has been helpful to recall in order to stir up the zeal of the ministers of God), the number of those who are completely ignorant of religion, or who have only a superficial knowledge of God and the Christian faith, which allows them to live in the manner of idolaters, in the midst of the bright light of Catholic truth, is immense and grows daily. How many, alas! not children, but adults, even those of advanced age, are completely ignorant of the principal mysteries of the faith; who, when they hear the name of Christ, respond: "Who is this, that I should believe in him?" (2) From this ignorance, they build up hatred towards others, and foster the most unjust intrigues, engage in dishonest business dealings, lend money at exorbitant interest to others, and commit other similar scandalous acts. Because they are ignorant of the law of Christ, which not only condemns wicked deeds, but even the deliberate thought and desire of such things; and although they may, for whatever reason, abstain from obscene actions, they nevertheless harbor the most impure thoughts, and, without any religion at all, they embrace iniquities, multiplying them upon the very hairs of their heads. Moreover, it is worth repeating that these things are not found only in the countryside or among the miserable common people, but also, and perhaps more frequently, among people of higher standing, and even among those who are puffed up with knowledge, that is, the vain.

(1) Matthew 24:35

(2) John 9:36

[*Latin ed. p. 622*]

Letter 622. Some, puffed up with false learning, believe that they can ridicule religion, and whatever they do not understand, they blaspheme (1). Indeed, just as one would vainly expect a harvest from the earth that has not received seed, so too, if one hopes for well-formed offspring, should not Christian doctrine be instilled at the proper time? — From this, we rightly conclude that, since faith has languished to such an extent that in many places it is almost dead, the duty of imparting sacred instruction is either neglected or entirely abandoned. Someone cannot rightly claim that faith is a gift freely bestowed upon us and offered to everyone in the sacred baptism. Certainly, those who are baptized in Christ are indeed strengthened in the habit of faith; but this most divine seed does not ascend... and produces great branches (2), allowed to grow freely, as if by an inherent power. It is the same with a human being, who from birth possesses the power of understanding; yet, it requires the maternal word, by which, as they say, it is awakened into action. Likewise, it happens with the Christian,

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who, being reborn through water and the Holy Spirit, carries faith within him; nevertheless, he needs the instruction of the Church, so that it may be increased, bear fruit, and be brought to perfection. Therefore, the Apostle wrote: "Faith cometh by hearing, and hearing by the word of Christ" (3); and to demonstrate the necessity of instruction, he adds: "How then shall they call on him in whom they have not believed? and how shall they believe in him of whom they have not heard?" (4). Since, from what has been explained thus far, the importance of religious instruction for the people is shown, it is Our most important concern that the teaching of sacred doctrine may always flourish, so that, as Our predecessor, Blessed XIV, said, "there is nothing more useful for the glory of God and the salvation of souls" (5), or, if it is neglected, that it may be restored. — Therefore, Venerable Brothers, we desire...

[*Latin ed. p. 623*]

623. These Encyclical Letters are intended to provide a uniform and consistent approach to this matter everywhere; therefore, by Our supreme authority, We establish and strictly command that the following be observed and implemented in all dioceses.

I. All parish priests, and generally all those who have care of souls, shall, on Sundays and feast days throughout the year, without exception, for a full hour, instruct boys and girls in those things which each must believe and practice in order to attain salvation, using the catechism book.

II. These same individuals shall, at fixed times of the year, prepare boys and girls to receive the Sacraments of Penance and Confirmation properly, through instruction lasting several days.

III. Furthermore, and with particular care, on all weekdays of Lent and, if necessary, on other days following the feasts of Easter, they shall instruct young men and young women with suitable precepts and explanations, so that they may devoutly approach the Holy Altar.

IV. In all and each parish, an association shall be canonically established, commonly called the Congregation of Christian Doctrine. Within this association, parish priests, especially where the number of priests is small, shall have lay helpers in imparting catechesis, who will dedicate themselves to this ministry, both for the glory of God and to obtain the sacred indulgences generously granted by the Roman Pontiffs.

V. In larger cities, and especially in those where universities, lyceums, and gymnasiums are located, schools of religion shall be founded to instruct young people who attend public schools in the truths of the faith and the institutions of Christian life, where no mention of religious matters is made.

VI. Since, especially in these times, the older generation also needs religious instruction, all parish priests and others who have care of souls, in

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addition to the customary homily on the Gospel, which must be given on all feast days in the parish church at the hour they deem most suitable for the attendance of the people, except for that hour.

[*Latin ed. p. 624*]

624. Encyclical Letter: Concerning the instruction of children, let catechism be instituted for the faithful, in a manner that is indeed simple and adapted to their understanding. In this matter, let the Catechism of Trent be used, with the following order: that within a period of four or five years, the entire subject matter be covered, namely, that which pertains to the Creed, the Sacraments, the Decalogue, Prayer, and the precepts of the Church. These things, We, Venerable Brothers, establish and command by Apostolic authority. It will be your duty to ensure that, in each of your dioceses, these matters are carried out without delay and completely; furthermore, you must be vigilant and, by your authority, take care that nothing We have prescribed be forgotten, or, which is the same thing, be carried out negligently and superficially. To ensure that this truly happens, it must be constantly urged and insisted upon that the parish priests not deliver the lessons of catechism without preparation, but rather, after diligent preparation; that they not speak words of human wisdom, but, with simplicity of heart and sincerity of God, follow the example of Christ, who, although He concealed the mysteries of the constitution of the world, spoke all things in parables to the crowds, and spoke to them without parables (3). We know that the Apostles, instituted by the Lord, also did this; of whom Gregory the Great said: "They took great care to teach the simplest people, plain and understandable things, not difficult and arduous things" (4). As for matters of religion, it is largely through the efforts of simple people that men are kindled in this present time. Furthermore, We do not wish that anyone should persuade themselves, through such a pursuit of simplicity, that no effort or meditation is required in this matter; rather, it requires a greater effort than any other kind. It is far easier to find an orator who speaks copiously and eloquently, than a catechist who possesses a lesson that is commendable in every respect.

(1) II Corinthians 1:1

(2) Matthew 13:35

(3) Ibid. 3

(4) Moral. 1. xvir, cap. 26.

[*Latin ed. p. 625*]

Letter 625, Encyclical: "Whatever facility of thought and speech anyone may have been endowed with by nature, let him always bear this in mind: he should never presume to speak about the Christian doctrine to children or to the people with genuine spiritual benefit, unless he has prepared and arranged his discourse with great care. Indeed, those are mistaken who be-

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lieve that, because of the people's lack of understanding and slowness, they can be more negligent in this matter. On the contrary, the more unlearned the audience one finds, the greater the care and diligence one must employ, so that the most sublime truths, so far removed from common understanding, may be adapted to the duller minds of the ignorant, for whom these truths are equally necessary for attaining eternal blessedness, as they are for the wise. Therefore, Venerable Brothers, let us, in this concluding part of our letter, use the words of Moses: "If any man is for the Lord, let him come to me" (Exodus 32:26). Consider, we implore you, the immense loss of souls that results from the ignorance of divine things. Perhaps many useful and truly praiseworthy things are instituted by you in your respective dioceses for the benefit of the entrusted flock. Nevertheless, above all, strive with all your might, with all your zeal, and with all your perseverance, to ensure that the knowledge of the Christian doctrine permeates the minds of all and fills them thoroughly. Let each one, using the words of the Apostle Peter, administer grace to others, as he has received it, from God (1 Peter 4:10). As good stewards, may the most blessed Virgin Mary intercede for you, and may the Apostolic blessing be bestowed upon you, which, as a testament to our charity and a harbinger of heavenly graces, we lovingly grant to you and to each priest and people entrusted to you. Given in Rome, at St. Peter's, on the fifteenth day of April, in the year 1905, in the second year of Our Pontificate. PIUS PP. X.

(1) Exodus 32:26.

(2) 1 Peter 4:10.

[*Latin ed. p. 626*]

Letter 626. LETTERS. By which Pope Pius X, on the occasion of the defection from the faith of many young people, urges the Bishops of Austria to defend it more zealously.

PIUS PP. X. To Our beloved Son and to Our venerable Brothers in the Apostolate, greetings and Apostolic Benediction.

We are grieved that Austria, so dear to the Catholic name and cause, and from which the Christian Republic has always drawn its honor, does not, as formerly, offer a common source of joy to the Catholic profession. Nothing is more important to Us, who have been entrusted with the task of defending and promoting the faith of Christ Jesus, than that the seed of Catholic doctrine and discipline should not only be preserved in Our own children, but should also flourish among those who are not united with Us in the same communion. But, alas, it is a most lamentable circumstance that We sometimes see those whom Our institution has nurtured departing from Us, betraying Us, and publicly rejecting the most holy precepts and teachings of life, drawn from the pure source of Christ, and embracing new doctrines with a hostile spirit.

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It is clear to Us, and indeed to you who are with Us, that We can never consider a wicked deed to be sufficiently reprehended, the sight of which, not many days ago, horrified the religion of Austria: and this deed We have certainly received with the greatest displeasure, because many young people, devoted to their studies, in whom We had placed so much hope, have publicly abandoned the Catholic faith.

Indeed, they desire to free themselves from the authority and power of religion, and therefore they separate themselves from the sacred and legitimate things, because the Catholic religion seeks much strength and fortitude of spirit in the fulfillment of the works of the divine law, whereas the gatherings of dissenters do not.

(Note: This letter was addressed to His Eminence Cardinal Gruscha, Archbishop of Vienna, and to the other Bishops of Austria.)

[*Latin ed. p. 627*]

In letter 62, we have learned that in Austria, a most grievous harm is being inflicted upon many faithful, leading them to abandon the name of Catholic and to devote themselves to heretical perversions. You know, beloved sons and venerable brothers, that this calamity is rightly considered the most tragic of all, for souls are perishing miserably, souls of such great worth, as is the blood poured forth by Christ. You, indeed, are bishops, whom the divine will has placed in the highest office of the Church, to care for the people, and we know that you are not unmindful of your duty, and that with diligent care you strive to defend the flock entrusted to you. But as the present dangers are so pressing, so much greater effort must be exerted by the bishops to prevent harm, and they must strive all the more zealously in their pastoral duties. We have long observed that your efforts in this matter are considerable, and we have learned with pleasure that you deserve praise if the Christian flock has not suffered greater losses. Nevertheless, we exhort you, beloved sons and venerable brothers, to be more courageous in resisting this daily battle, and to allow nothing to be absent from you, either privately or publicly, that the faith of the children may remain steadfast, and that in you our communion may have protection against hostile attacks. This illustrious nation, whose most noble praises are recorded in Catholic history, may, with God's help, continue to be Catholic, if your diligence assists the work of divine Providence: it will also remain clear, and flourish in prosperity, concord, and peace, if envy, or dissent, or any disturbance of religious matters are prohibited, for in religion, in the religion of our fathers, the salvation of the Empire and its strength chiefly consist. Furthermore, trusting in your own initiative and in the divine desire for glory which surpasses all others, we bestow upon you and your people, as a pledge of heavenly graces and of our benevolence, the Apostolic blessing, most cordially, in the Lord. Given at Rome, at St. Peter's, on the sixth day of March, in the year 1905, the second year of Our

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Pontificate.

PIUS PP. X

[*Latin ed. p. 628*]

628 By Apostolic Indult, concerning clerics of Apulia to be admitted to the Vatican Seminary. PIUS PP. X. The Vatican Seminary, to whose advancement Our Predecessor, Leo XIII, devoted himself with such happy success, We, with no less benevolence, endeavor to promote; and We deem it necessary that its rights and privileges be preserved, so that, if anything is lacking in its strength and stability, it may be rendered legitimate, firm, and certain, protected by Our authority, and free from any danger. Not many years ago, Marcellus Aloisius Pellegrini, Bishop of Troia, Prefect of Aquaviva and Altamura, presented to the aforementioned Predecessor Our silver Italian coins, or "libellae," amounting to one hundred and eighty-nine thousand, the income from which would support several young men from Apulia, so that they might be educated in Rome for the service of the Church. After considering the matter, Leo XIII deemed it the best course of action to establish as many places as the aforementioned income would allow for Apulian clerics in the Vatican Seminary. Having thus provided for this by Our illustrious Predecessor, We, confirming this with these Apostolic Letters by Indult, establish the places, as We have said, in the Vatican Seminary, for the free education and instruction of as many clerics from Apulia as the income allows. Therefore, We entrust to the Cardinal Archpriest of the Vatican Basilica the aforementioned silver Italian coins, or "libellae," amounting to one hundred and eighty-nine thousand, and We command him to present the income from this sum to the Council for the administration of the Seminary, from which it will then be distributed in quarterly installments to the Rector of the Seminary for the time being. Furthermore, We decree that the following laws shall be observed in the admission and instruction of these Apulian clerics:

[*Latin ed. p. 629*]

Motu Proprio 629 I. Quaterni ex Aquaviva et Altamura accipiantur; ex Bario, Brundusio, Manfredonia, Hydruntum, Tarento, Tranio-Baroio, singuli; qui ex reliqua pecunia poterunt constitui, loci, Pontificis arbitrio assignentur. II. Episcopi Apuliae iuvenes mittant, quos ipsi legerent. Iisdem sit potestas, si opportunum duxerint, et communicato cum Apostolica Sede consilio, loca dimidiata impensa conferre, alumnis pro dimidio solventibus. III. Electi iuvenes ad Cardinalem Seminario praepositum, aut ad alium ab eo designatum virum, ducerentur, de iisque plane referatur, opportuna documenta exhibendo. Seminarii vero moderatores cum Ordinario communicent circa ea quae alumni institutionem spectant. IV. In Seminarium ne admittantur qui aetatis

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suae annum decimum quartum fuerint praetergressi; nisi cui forte Ordinario visum fuerit provectiorem aliquem ad maiora studia plenius persequenda proponere. V. Item aditus ne cui patefiat, nisi, emenso quinquenni primordiorum cursu, habeatur idoneus ad aliquam gymnasii aliorumve studiorum scholam frequentandam. VI. In Seminario cooptati, statim peculiari doctorum decurialium coetui probandi se sistant, quo iudicio constet, cuicum scholae adeundae sint pares. VII. Candidati ex honesta familia, bonaeque indolis, indicia praebente. Etsi vero de iis, qui immaturam adhuc aetatem agunt, difficilis coniectura sit, quodnam vitae genus sint suscepturi, nihilominus curent Ordinarii iuvenes nominare, « quorum indoles et voluntas spem afferat eos ecclesiasticis ministeriis perpetuo inservituros » (i). VIII. Ubi alumnus aperiat se non esse volentem sacro ministerio mancipari, aut ubi necessariis ad id conditionibus carere, studiisve (i) Conc. Trid. Acta S. Sedis, Vol. XXXVII, fase. 10, 40.

[*Latin ed. p. 630*]

63. It appears that those who are not suitable for the office of Secretary for Briefs should be dismissed; the matter shall be reported to the Ordinary.

IX. The period of residence in the Seminary should not be interrupted; nor should anyone depart before having completed the legitimate time of their formation.

X. Even in the final year, students should undertake activities that are beneficial, either by being sent to a reputable gymnasium or lyceum, or by pursuing academic degrees in Sacred Theology. All other matters shall be observed according to the rules already established regarding the admission of young men to the Vatican Seminary.

Therefore, all that we have established, decreed, confirmed, and ratified in these Letters, Motu Proprio, we wish and command to remain valid and firm in the future, declaring that it shall be null and void if anyone attempts to alter anything concerning these matters. Contrary provisions notwithstanding.

Given in Rome, at St. Peter's, on the tenth day of May, in the year of Our Lord nineteen hundred and four, in the first year of Our Pontificate.

PIUS PP. X

FROM THE SECRETARY OF BRIEFS

The Temple of St. Stephen, the Protomartyr, recently constructed in Jerusalem, is elevated to the rank of a minor Basilica.

PIUS PP. X

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FOR THE SAKE OF FUTURE MEMORY

It has pleased Divine Providence that, in our own times, while the Brothers of the Order of Preachers are constructing a monastery in Jerusalem (in which, by the authority of Our Predecessor, Pope Leo XIII, of blessed memory, a public school of Biblical Studies was established), the ancient foundations of a temple have been brought to light in that very place, as they were constructing the aforementioned temple.

[*Latin ed. p. 631*]

From the Secretariat of Briefs, 63. The most venerable Basilica, formerly known as the Basilica of Eudoxia, Empress, which was built for the worship and veneration of the relics of Saint Stephen, the first martyr. For in that place, which is believed to be the site of Saint Stephen's martyrdom, the sacred body of Saint Stephen long rested; but with the passing of years, that Basilica was devastated by the Persian King Chosroes and given over to fire, and a chapel erected there by Christians was soon overthrown by Saracens and leveled to the ground. Therefore, a new sacred building, rising upon such foundations, was constructed with great expense, surpassing all others in its size and with beautiful works of architecture, and it was happily consecrated and dedicated to God in honor of the Holy Martyr himself during the solemn observance of the year of the Holy Jubilee of 1900. Considering these things, our beloved son, the present prior of the aforementioned monastery in Jerusalem, together with his religious brethren, earnestly requested that We deign to elevate the new church of Saint Stephen, the first martyr, to the dignity of a minor Basilica; and We considered it pleasing to grant their request, so that something of the former glory of the place might be restored by this new sacred building. Furthermore, moved by the most earnest pleas of the Venerable Brother Patriarch of Jerusalem, and of our beloved son, the Procurator General of the Order of Preachers, We declare that all and each of those to whom these Our Letters are favorable shall be absolved from all excommunications and interdicts, and from all other ecclesiastical sentences, censures, and penalties, if any should have been incurred, for this very purpose, and shall be considered absolved, by the authority of Our Apostolic power. Therefore, We solemnly enhance the new church of Saint Stephen, the first martyr, in Jerusalem, with the title and dignity of a Basilica, bestowing upon it all the privileges and honors that rightfully belong to the minor Basilicas of this most holy city (i). We decree that:

(i) These words indicate three specific privileges, as is evident from the decree of the Sacred Congregation of Rites in Lucca, August 27, 1836, no. 2744, where it is declared: "By the term 'privileges,' we mean graces, advantages, exemptions, indulgences, and other similar things, which are con-

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tained in Apostolic Letters in the form of a Brief."

[*Latin ed. p. 632*]

632 From the Secretariat of Briefs: These letters, being firm, valid, and efficacious, always exist and will exist, and will produce and obtain their full and complete effects, and will fully suffice for those to whom they pertain, and for the time that it may pertain to them, in all things and through all things; and therefore, in the aforementioned matters, they ought to be judged and defined by any ordinary and delegated judges, and they are to be considered null and void if, concerning these matters, anyone should, knowingly or unknowingly, attempt to interfere with them in any way. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the tenth day of June, 1904, in the first year of Our Pontificate. L. "f* S. Aloisius Cardinal Macchi grants indulgences to the pious work of Mary Immaculate. PIUS PP. X FOR PERPETUAL REMEMBRANCE: Whereas, as has been reported to Us, a pious work called "Mary Immaculate" has been canonically established in Paris, which, through its benefactions, has raised a certain church to the rank of a minor basilica: "a canopy, entirely devoid of gold and silver ornamentation, a bell, and the use of the great cope." These privileges of the minor basilica are either increased or diminished, either in number or in use. Hence, to certain churches, for example, the Basilica of St. Lawrence in Damasus and St. Mary in Transtyberim, the use of the palm has been particularly granted, to be used either only in solemn Masses or also in Masses with readings. On the contrary, the use of the great cope is granted only to those who are taxed, and not to other clerics and regulars. Also, the collegiate church of St. James in the city of Calatayudon, as is evident from the decree of the Sacred Roman Congregation in Calatayudon, although of lesser dignity, but in conjunction with the cathedral church, was granted the faculty to carry the canopy of a basilica on March 25, 1817, n. 2575, and the use of the bell, but this use was further restricted within the following limits, namely: "only in those customary and accustomed ecclesiastical functions in which there is no concurrence with the Chapter of the cathedral church, and that within the confines of the church itself or within the limits of the same parish, except when, by a solemn supplication made by the same collegiate church, an exemption from this limitation is obtained, as is customary every year through the channels of the civil authorities on the feast day of St. James, the titular saint of that church." Cf. also the Master of Ceremonies' opinion on the Lucerne decree (Authentic Decrees of the Sacred Roman Congregation, vol. 4, page 35y) (N. R.).

[*Latin ed. p. 633*]

From the Secretariat of Briefs, 633 days, already spread throughout almost the entire world, both men and women strive to promote the conver-

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sion of ethnic, heretical, or schismatic women to the true faith, through pious prayers. We, desiring that this most fruitful work may be strengthened by the support of indulgences, and with the favor of God, and confident in the mercy of Almighty God and the authority of the Apostles Peter and Paul, grant to all and each faithful, both men and women, who are admitted into this Society now and in the future throughout the world, that if they are truly penitent and have confessed, and have received Holy Communion, on the feast of the Immaculate Conception of the Blessed Virgin Mary, or on one of the seven continuous days immediately following, and also on one other day of their choosing each year, they devoutly visit any church or public oratory, and there offer pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of Holy Mother Church, and if they do so on the aforementioned days, we grant them, in the Lord, a plenary indulgence and remission of all their sins. Furthermore, to the members of this pious work, both men and women, who now and in the future exist throughout the world, we grant that, whenever, in Latin or in any other language, provided the translation is faithful, they recite, at least with a contrite heart, the antiphon that begins "Salve Regina," they shall be released from three hundred days of the penances prescribed to them, or from any other penances owed, in the usual form of the Church. We also grant that all and each of these indulgences, remissions of sins, and relaxations of penances may also be applied for the benefit of the souls of the faithful detained in Purgatory. Contrary to anything to the contrary notwithstanding. These are valid in the present, future, and perpetual times. We wish that copies or printed examples of these letters, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, be made, as stated above, in their entirety.

[*Latin ed. p. 634*]

63. 4. From the Secretariat of Briefs, let faith be applied, which would be applied to those present, if they were exhibited or shown; and let any other indulgences that might have been granted to said pious Work be nullified, as We hereby declare with Our Apostolic authority. Given at Rome, at St. Peter's, beneath the Fisherman's Ring, on the twenty-first day of June, in the year 1904, in the first year of Our Pontificate. L. *J* S. For the Most Reverend Cardinal Macchi, Nicolaus Marini, Substitute. Brief for the Solemn Beatification of the Venerable Servant of God, Gaspar del Bufalo, Founder of the Congregation of the Precious Blood of Our Lord Jesus Christ. PIUS PP. X. FOR PERPETUAL REMEMBRANCE. That salutary precept which the Redeemer of the human race, Christ, gave to His disciples, "Go, teach all nations," has, by the constant counsel of Divine Providence, always flourished throughout the Church of God, so that it has never lacked zealous and diligent administrators, who, moved by the desire to promote the

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Catholic faith, might spread divine wisdom widely among the people. And indeed, the heavenly Father, who never ceases from the first hour to the last to lead workers into His vineyard to cultivate it, in these recent times, when the Church needed the support of sacred workers due to grave civil disturbances, sent, among others, the Venerable Servant of God, Gaspar del Bufalo, who, excelling in all Christian virtues, lived his life in constant practice of the apostolate, so that he might rightly and deservedly be a most zealous herald of heavenly truth, as Paul said to the Corinthians, "We are ambassadors for Christ, as if God were exhorting through us." Rome, the illustrious mother and nurturer of so many holy men, rejoices in this disciple as well, for in this blessed City, on the sixth of...

[*Latin ed. p. 635*]

From the Secretariat of Briefs, number 635, of November 1786, born to pious parents, from his tenderest years he shone forth, "like light appearing in the morning, without clouds," a splendid example of faith, innocence, and piety. Even as a boy, far removed from the vanities proper to that age, he delighted only in what he saw instituted for the worship of God, diligently arranging the altar, and performing sacred rites among the other boys, striving to teach them, especially through his own example, reverence for the Lord and respect for their parents. Indeed, from those early years, he was so devoted to God and his neighbor that he decided to dedicate himself to the clerical life, in order to preach the Gospel to the infidels and to spend his life for God, even to the shedding of his blood. Although he could not carry out this plan in his youth, he strove with all his might to grow in wisdom and grace, both before God and before men. Indeed, in the Gregorian University, he earned the praise of his teachers and was an example to all, especially because he performed the duties of religion and charity with his pious companions, and encouraged his fellow students with word and deed to "correct their ways by keeping the commandments of God, and to be made perfect in the sight of the Lord in the direction of their hearts." Elevated to a canonry in the illustrious Basilica of St. Mark, and initiated into the priesthood on the eve of August in the year 1808, he shone forth like a lamp upon a candlestick, fulfilling all the duties of the sacred ministry in the house of God. He took care of the growth of the pious Society founded by St. Gall for the relief of the poor; he wished to make the nocturnal group at St. Mary Major a place of piety; he devoted much effort to establishing a pious Congregation of St. Paul the Apostle for the clergy; and, driven by constant study, he promoted the worship of the Precious Blood of our Redeemer Jesus Christ, and, armed with this banner, he exerted all the power of his charity, encouraging every condition of life to be restored to holiness. But when he was already flourishing in the praise of his apostolic labors, suddenly a storm arose in France, shaking all of

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Europe, and then the Supreme Pontiff, may he rest in peace.

[*Latin ed. p. 636*]

636 From the Secretariat of Briefs: Our predecessor, Pope Pius VII, then the best of men, expelled from this blessed city, a haven of sanctity and virtue. At that time, the Venerable Servant of God demonstrated a remarkable example of Christian fortitude; for when he was offered the condition that he either, according to the words of the French Prefect, would swear an oath of fidelity and obedience to the Emperor, or, if he refused, would suffer imprisonment and banishment, he responded with three weighty and truly magnanimous words: "I cannot, I must not, I will not." And immediately, he was sent to Piacenza, then to Bologna, and then to the fortress of Lucce, so that the rights of the Holy Church would not be in the least harmed by a sacrilegious oath, and he endured the hardships of exile and imprisonment with an unconquered spirit for a period of four years. Restored to his freedom and returned to Rome, called by God to greater things, he relinquished his canonry in order to dedicate himself more fully to the salvation of souls, and, with several pious priests associated with him, he laid the first foundations in the year 1814 of a Congregation of secular priests, which he decided should be called the Precious Blood. Then, to the Venerable Servant of God was assigned a vast and most laborious province. For just as Christ, God, foreseeing that Peter would be the best of fishermen of men, so too, upon his return from captivity, the Most Blessed Pope Pius VII, when he first turned his gaze upon the Venerable Servant of God Gaspare, seemed to perceive the great things that God would accomplish through him, and therefore, he wished that he himself should undertake the direction and administration of the Sacred Missions, those most grievous times, in order to reform morals and promote piety within the Pontifical States. The harvest was immense, but the laborers were few in proportion to its vastness; but hearing this, Gaspare added to himself students for his Congregation, he established the Missions themselves as the foundation of the Congregation, he sought out and found other associates, and he readily and zealously fulfilled the mandate of the Supreme Pontiff. He offered himself as an example of good works, especially in piety and humility.

[*Latin ed. p. 637*]

With the spirit of humility and penance, and as a true helper of Christ, he toiled for twenty-two years, serving the souls of many workers for the glory of God and the benefit of his neighbors. He traversed almost all the regions of central Italy: Umbria, Emilia, Picenum, Tuscany, Campania, and Samnium, dedicating himself to sacred missions without sparing himself any labor. For in undertaking these missions, he had resolved never to rest, to neglect no care for his health, to allow himself no leisure, no relaxation

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of body or mind, whenever the eternal salvation of his neighbors was at stake. Therefore, he was not deterred by the difficulty of the journey, nor by the harshness of the weather, nor by any dangers, but went on foot to towns, villages, and hamlets, leaving everywhere the imprint of apostolic charity. He never ceased working; sometimes he preached to the people, sometimes he taught Christian doctrine to boys and girls, sometimes he addressed groups of men and women separately, sometimes he consoled the afflicted, sometimes he visited the sick, comforting their souls and alleviating the suffering of their illness with acts of great kindness. Truly, he appeared as one sent by God in the apostolate, and his wondrous charity shone brightly in resolving disputes and animosities, restoring harmony and peace everywhere. Even robbers and those guilty of heinous crimes, drawn from their hidden lairs, were touched by the eloquence of the divine word and, confessing their sins, returned to a good life. Wherever he went, he had peace as his companion, so that he deservedly earned the title of angel of peace, and he aroused Christian piety in every gathering, truly becoming a source of salvation for the people. And our own Rome is a witness to the brilliance of his charity. For, as we have said, he looked to the adornment and benefit of the illustrious Basilica of Saint Mark, and then, with industrious zeal, he attended to the spiritual well-being and comfort of young people living in gymnasiums and orphanages, of the poor received in night shelters, and even of the unfortunate prisoners held in public prisons. He accomplished all that he had set out to do, and this is recorded under the title "Pretio."

[*Latin ed. p. 638*]

638 From the Secretariate of Briefs, having begun a Congregation dedicated to the Most Precious Blood of Our Lord, filled with wise rules by divine grace, he communicated with it so that, at present, the Church, the Bride of God, might also shine forth with this new family, richly adorned for the abundant fruit of souls. He proposed another very useful institution, and, with the counsel of Maria de Matthias, clearly foretold and initiated the establishment of an Institute of Sisters under the same title of the Most Precious Blood, for the instruction of young girls in the mysteries of the faith and for the good of society. He described the habit to be worn, and, as was fitting for a regular order, he commanded what was necessary, and therefore, justly and deservedly, the Institute considers him its Father. Thus, the Servant of God, his fame of sanctity spreading far and wide, was made even more brilliant by the heavenly gifts bestowed upon him by God Himself. And indeed, wherever the Venerable Servant of God set foot, he changed the face of things. He restrains licentiousness of morals, eradicates even deeply rooted scandals, deters blasphemous men from impious habits, and prohibits the invitations to vice. In their place, good morals are introduced: the frequent celebration of the sacraments is encouraged, pious

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sodalities are established, and the works of Christian piety and charity flourish; finally, having uprooted and removed all manner of thistles from the Lord's field, abundant fruits are sown. Therefore, he was dear and venerable not only to the people, but also to men of the highest dignity and virtue, among whom were many Cardinals of the Roman Church, and also the Supreme Pontiffs Pius VII and Leo XII, and Our Predecessors. Finally, never ceasing his labors in his apostolate, he approached the end of his life not imprudently, but, patiently enduring the increasing pains of a disease, refreshed by heavenly consolations, and fortified by other spiritual aids to the Church, he peacefully exchanged mortal life for celestial glory with a most sweet and tranquil sleep, on the 28th day of December of the year 1837, in the fifty-second year of his age, on the day of the triumph of the holy Martyrs, the Innocents.

[*Latin ed. p. 639*]

From the Secretariat of Briefs, No. 63, and the Church. After the precious death of the Saints, there remained thirteen members of the Congregation which He had founded, and the fame of the most holy man, spread from all sides, flourished more brightly after his death. The funeral, which was held in Rome and repeated in the Alban Hills, with the Missionaries of the Precious Blood family, the clergy, and the people present, could rightly be called glorious, and even marked by heavenly signs. Barely two years after the fame of the Servant of God, an inquiry was begun, and after the ordinary process was completed and properly presented to the Congregation entrusted with the safeguarding of the Sacred Rites, the cause was introduced. After the legal proofs were taken and considered, our predecessor, Pope Leo XIII, solemnly decreed on the 14th of April, in the year 1890, that the Venerable Servant of God, Gaspar del Bufalo, had attained heroic virtues. Then, the investigation into the miracles which were said to have been miraculously obtained through his intercession was initiated. And by a decree issued on the 4th of June of the following year, we likewise declared, with our supreme authority, that two miracles had occurred through the intercession of the Venerable Servant of God, as attested by God. Therefore, after a judgment had been rendered regarding the virtues and the two miracles, it remained to be discussed whether the Venerable Servant of God could safely be proposed for recognition among the blessed in Heaven. This was accomplished by our beloved son, Dominic, Cardinal Ferrata, Prefect of the Congregation for the Sacred Rites, in a general meeting held before us in the Vatican Basilica on the 18th of May of this year, and all the Cardinals who were Prefects of the Sacred Rites, as well as the Consultor Fathers present, unanimously gave an affirmative response. We, however, considered it necessary to offer prayers to God, so that we might obtain heavenly assistance in making a judgment in so important a matter. On the 8th of July of the following year, on the day which celebrates

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the most blessed Nativity of John the Baptist, after having first celebrated the Holy Eucharist, with the Cardinals Aloisio Tripepi, Pro-Prefect of the Congregation for the Sacred Rites, and

[*Latin ed. p. 640*]

640 To the Reverend Father Dominic Ferrata, Relator, and also to the Most Reverend Father Diomede Panici, Archbishop of Laodicea, Secretary of the same Congregation, and to the Reverend Father Alexander Verde, Promoter of the Sacred Congregation of the Holy Office, We, with Our supreme authority, have decreed that the solemn Beatification of the Venerable Servant of God, Gaspar del Bufalo, may proceed without impediment. Since these things are so, moved by the prayers of the entire Congregation of Missionaries and of the Sisters of the Most Precious Blood, We grant, by these letters, the faculty to henceforth call the Venerable Servant of God, Gaspar del Bufalo, Canon of the Basilica of Saint Mark in the City, and Founder of the Congregation of Missionaries of the Most Precious Blood, "Blessed," and that his body, or a relic thereof, although not in solemn processions, may be publicly venerated, and that images of him may be displayed. Furthermore, by the same Apostolic authority, We grant that an Office and a Mass may be recited in his honor each year, on the feast of his titular saint, not of a Pontiff, with proper prayers approved by Us, according to the rubrics of the Roman Missal and Breviary. We grant that the recitation of this Office and the celebration of this Mass may take place solely in this Our city and its district, and in all temples and chapels in which the Congregation of Priests Missionaries and the aforementioned Sisters use, under the same title of the Most Precious Blood of Our Lord Jesus Christ, by all the faithful of Christ who are bound to recite the canonical hours, and with regard to the Mass, by all priests, both secular and regular, in the churches in which the feast is celebrated, subject to the decree of the Sacred Congregation of Rites, number 3862, of the City and the World, of December 9, 1665. Finally, We grant that the solemnities of the Beatification of the Venerable Servant of God, Gaspar del Bufalo, may be celebrated in Our city, its district, and in the aforementioned temples, according to the decree or instructions of the Sacred Congregation of Rites of December 16, 1902, concerning the triduum to be solemnly celebrated within one year of the Beatification, which is established by legitimate authority.

[*Latin ed. p. 641*]

641 Savonen. We decree that these matters are to be carried out within one year after the same ceremonies have been celebrated in the Vatican Basilica. Notwithstanding any Apostolic Constitutions and ordinances, and decrees concerning the prohibition of certain practices, and all other contrary things whatsoever. We wish, however, that copies of these letters, even printed ones, provided they are signed by the hand of the

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"Secretary of the aforementioned Congregation of Rites" and sealed with the seal of the Prefect, shall have the same full force and effect in all discussions, even judicial ones, as would be given to the expression of Our Will in these extended documents. Given in Rome, at St. Peter's, sdb, with the Fisherman's ring, on the twenty-ninth day of August, in the year 1837, in the second year of Our Pontificate. L. S. ALOIS. Card. MACCHI. ACTA ROM. CONGREGATIONUM EX S. CONGR. EPISCOPORUM ET REGULARIUM. SAVONEN. FUNERAL. Whether the designation of a church for the absolution of the deceased implies the choice of a burial place. Species of the case. In the year 1904, Antonius Oxilla died in his own parish of the Cathedral of Savönen, and by his will, he stipulated that his body should be taken to the church of Our Lady of Consolation for the absolution of the priest, and then immediately to the cemetery, with these words: "I order the most modest form of funeral for my remains, and that the same, enclosed in a simple pine box, be transported in a carriage of the lowest class, without any flowers, to the church of Our Lady of Consolation, to receive the absolution of the priest, and from there immediately to the cemetery."

[*Latin ed. p. 642*]

642 From the Sacred Congregation of Bishops and Regular Canons: The heirs of the deceased requested that the funeral rites be celebrated in the aforementioned church, which is under the care of the Fathers of Saint Augustine. And the Augustinians, believing that the testator had chosen that very place for his burial, conducted the funeral and obsequies without the intervention of the Cathedral parson, and brought the body to the cemetery. Subsequently, they offered the parson the customary fourth day's fee, which he refused, lest he prejudice his own rights. However, the Cathedral Chapter, after issuing a decree contrary to the wishes of the Religious, appealed to the Holy Sacred Congregation. Reasons of the Cathedral Chapter: The canons maintain that the deceased should be buried in the Cathedral church, as if it were their own parish, because it is not established that the testator had any customary or elective right to be buried in the church of Consolation. The testament speaks only of the absolution of the body, but not of the burial to be performed in that church. They confirm this both from the sworn testimony of a certain deceased servant, and from the custom of Savona, whereby the bodies of those for whom funeral expenses are not paid are brought to the church of Consolation, which is separate from the Cathedral, for absolution, and then to the cemetery. Furthermore, the parents or heirs cannot choose the place of burial of the deceased, as decreed by the Sacred Congregation of Councils, which, in response to the question: "Do parents and heirs have the right to freely choose the church for the funeral of their deceased?", answered: "No" (1). Moreover, they conclude that the title from which the right to perform funeral rites and to

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receive the associated fees arises must be legally established; which is not the case here, and therefore the parochial right cannot be harmed, because, according to the rule of law 65 in 6th: "the condition of the possessor prevails." Reasons of the Augustinians: The Augustinians contend that, since the testator designated their church for the absolution, he thereby intended to choose it also for the burial; therefore, it belongs to them (1) This decision is found in one volume, or "Fanen," of the Minor Acts, in January 1870, as reported in the Acts of the Holy See, volume of the Conventual meetings, month of November, page 350 (N. R.).

[*Latin ed. p. 643*]

64. 3 Savonen. Concerning the right to celebrate funerals. They strive to prove this, either because the testator was a religious man and favorably disposed towards the Augustinians, or because the heirs, informed of the deceased's will, arranged the funeral rites in the presence of the body, or because the testimony of nine witnesses is sufficient, or finally, because, according to canon law, the Church, which performs the association and absolution, also has the right to funerals, as an accessory. Cf. BargiHiat (Introduction to Canon Law, vol. 2, treatise 7, chapter 5, article j). Furthermore, the custom presented by the Chapter, although not admitted as such by religious orders, applies only to the poor, who cannot have funerals in the cathedral; but in this case, the deceased was wealthy. Doubts. I. Whether the choice of burial place is established in this case. II. Whether the Reverend Father Prior, in this case (1), has violated the rights of the parish. Resolution. The Sacred Congregation of Bishops and Regular Canons, after mature deliberation, responded on July 29, 1904: To I. Affirmative. To II. Negative. Collations 0 i. The choice of burial place pertains exclusively to the deceased, so that it cannot be made at the sole discretion of parents or heirs. 2. However, the choice of burial place, as an act, requires strict proof, especially because it may prejudice the parish or civil burial. 3. Among the most important proofs are the will or the testimony of at least two witnesses (2). 4. In this case, the will of the deceased is interpreted by several witnesses and other supporting evidence in such a way that the designation of the church for absolution also implies the choice of burial place. 0 0 0 (1) In Latin: P. Prior iura (2) Cf. Resolutiones 28 Maii 114 and 2Ô3), An parochialia 1721, necnon de violaverit electione sepulturae in (N. casu S. C. C. diei i 3 Febr. relatae Bulla a Ferraris Pretiosus (Bibl. Benedicti in casu. II. An Rev. R.). 1666, et in can., XIII, v. § Tudertina-electionis Sepultura, 4S, a. 1727 nn. 110, (N. R.).

[*Latin ed. p. 644*]

From the Sacred Congregation of the Council, dated 644. Regarding Parochial Competitions. It is granted, for a period of three years, the grace of assigning, without a new competition, to parishes, priests who have

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been deemed suitable either in the general competition or in a private examination.

Case in Point. The Most Reverend Archbishop H. S. C. stated: "In the Archdiocese of Milan, competitions for vacant benefices are held three or four times a year, which are very frequent, either due to the number of benefices that are entered into the competition, or due to the number of priests who intend to participate. However, in almost every competition, it is not possible to provide for all the benefices, either because the competing priests have not submitted their names for said benefices, or because, as sometimes happens, those who are deemed suitable in the competition and nominated for the benefices, for various reasons, do not accept canonical institution. On the other hand, some of the competing priests, although deemed suitable for the care of souls in the competition, do not receive any benefice, either because the number of competitors exceeds the number of benefices, or because individual competitors do not apply for all the vacant benefices, but only for certain specific ones."

"Therefore, the aforementioned petitioner, in order that the prolonged vacancy of benefices, from which parishes almost always suffer spiritual detriment, may be remedied, humbly requests the following:

1. To provide for benefices that remain vacant after the competition, either by those priests who, in the same competition, were deemed suitable for the care of souls, but did not receive the benefices they desired; or by other priests who, outside of the competition, are proven suitable for the care of souls through a public examination before three synodal examiners;

2. Also, to grant..."

[*Latin ed. p. 645*]

In Milan. Without a new examination and assessment of those priests who, in the last examination, were deemed suitable for the care of souls, but who have not yet received any benefice, benefices that are vacant are to be assigned, that is, benefices that become vacant due to the nomination and promotion of the titulars of said benefices to other benefices. As is clear from itself, the petition of the Eminent Archbishop encompasses three cases: 1. It concerns the assignment, without a new examination, of parishes that are still vacant after the general examination to those priests who, in that same examination, were indeed deemed capable, but who may not have been able to obtain the parish for which they applied; 2. It concerns the assignment of these parishes to priests whose suitability is only established by a prior oral examination before three synodal examiners; 3. Finally, it concerns the assignment, without a new examination, of vacant parishes due to the promotion of their titulars to other benefices, to those priests who were declared suitable in the last examination, but were unable to obtain benefices. Observations. The aforementioned practice appears contrary to the disposition of the Council of Trent (Session 24, chapter 18

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on Reform), according to which, when a parish becomes vacant, the Bishop must first announce, through public edicts, an examination to consider the vacant church for a new rector. But the examination is not held in every case of vacancy, but is held at fixed and determined times of the year. This, therefore, seems to lead to a spiritual detriment of souls. Hence, not only the Council of Trent, but also Pius V in the Constitution *In conferendis*, Clement XI through circular letters *Quo parochiales* published on January 10, 1721, by the Sacred Congregation of the Council, and Benedict XIV in the Constitution *Cum illud*, have established practical and safe norms for holding examinations for each vacant parish. This method of providing parishes through such forms of examination seems even more reprehensible, because those who participate always aspire to the better parishes, so that others remain...

[*Latin ed. p. 646*]

646 From the Sacred Congregation, it is known that some dioceses, through prolonged vacations, suffer a lasting detriment, with a considerable loss of souls. Furthermore, this method of holding competitions solely concerning doctrine contradicts the aforementioned Constitution. It aims to provide a comprehensive judgment regarding the doctrine and the qualifications of candidates for parishes. However, it can be observed that, although the Tridentine law regarding the provision of parishes through competitions is almost everywhere observed, in practice, a certain modification has begun to emerge, especially in Germany, Spain, and Austria, through Apostolic dispensation, as testified by De Angelis (Principles of Canon Law, book 3, title 9) and Vecchiotti (Institutes of Canon Law, volume 1, book 2, section 8), who states: "Since the prescribed form cannot be easily maintained in some dioceses, an indulgence has been granted by the Apostolic See, so that all clerics are subjected to an examination of knowledge at fixed times, so that those who excel in intellect may be appointed to the care of souls; indeed, I have heard from some that it is greatly desired that the law concerning competitions be somewhat modified, or at least that the provincial synods be given the power to adapt it to the needs of the place and time." This method of complying with the law concerning competitions, besides being very ancient, as testified by De Angelis (loc. cit.), and necessitated by the multitude of parochial benefices, seems to be based on the final words of the aforementioned chapter of the Council of Trent: "It will also be permissible in the provincial synod, if it should deem it necessary to add or remove anything concerning the form of the examination, to provide accordingly." Regarding the general competitions for parishes held in the diocese of Milan, it may be said that it does not appear whether these competitions are solely concerning knowledge, or also comprehensively concerning other requirements, as prescribed by the Benedictine Constitution. However,

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even if the former is the case, this practice is usually approved for a limited time through Apostolic indulgence, as stated in the Instruction of the Sacred Congregation for the Propagation of the Faith of October 10, 1884: "Nevertheless, in some dioceses..."

[*Latin ed. p. 647*]

647. In Mediolanum, consuetudo est ut examen de doctrina separatur ab examine de reliquis requisitis canonicis, et hoc ad ipsum pro vacante paroecia concursum remisso, examen de scientia alio magis opportuno tempore instituendi. Quamobrem, generatim, bis in anno examen habetur de scientia, in quo qui adprobati fuerint, ad quodcumque parochiale beneficium intra sex proximos sequentes annos vacaturum concurrendi ius habent, sed exeunte sexennio, examini se denuo sistere tenentur si beneficium parochiale obtinere velint. A lege autem subeundi hoc novum, exacto sexennio, examen ab Episcopo, audita Examinatorum sententia, dispensan possunt qui inter synodales vel pro-synodales Examinatores sunt assumpti, aut qui propter muneris vel beneficii quo fruuntur dignitatem, vel propter diuturnam operam qua Ecclesiae cum laude servierunt, scientiae testimonium abunde praestant... Haec porro praxis ab Apostolica Sede approbari solet ad tempus. Et revera, Sacra Congregatio, super Negotia Ecclesiastica Extraordinaria, hoc indultum a. 1857 concessit ad decennium pro dioecesi Vindobonensi; item, Sacra Congregatio Consilii, similia indulta concessit aut prorogavit, uti constat ex documentis Tergestina a: 1898, et Viennen, a. 1901, etc., et ex Labacen., Moguntina. Quo stante, nihil profecto obstare videtur quominus petitionem Archiepiscopi exaudiatur. Qui enim proponuntur presbyteri ad regendas paroecias in primo et tertio casu, iam uti habiles ex facto experimento comprobantur. Qui vero in secundo casu, idoneitatis specimen dabunt per examen coram Examinatoribus synodalibus* antequam paroeciam obtineant. Difficultas in eo tantum esset, quod novo concursu beneficium non exponeretur; dum ex resolutione Sacrae Congregationis in Vicentina, die 4 Martii 1592, Episcopus libere providere potest paroecias quae semel et iterum, non autem quae semel tantum, concursui subiecit (i). Verum, dispensationes in huiusmodi (i) Praxis Sacrae Congregationis est ut, si in primo concursu nullus concurrens vel nullus idoneus comparuerit, novus indicatur concursus; quo iterum frustra ten-

[*Latin ed. p. 648*]

From Canon 6, paragraph 8, number 4, it is not infrequently encountered in the Holy Sacred Council that cases arise, especially when the revenues of a parish are meager and insufficient to provide for its needs. This also corresponds to the disposition of the aforementioned Tridentine canon, at the end, which states: "However, if the revenues of the said parish are so meager that they do not warrant the expense of the entire examination, or if

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no one is found who wishes to undergo the examination, then the Bishop may, by exercising his right, freely grant the parish to a priest whom he deems suitable, after a private examination." This practice is based on the declarations in numbers 218-220 of the same Holy Council. Many examined cases suggest that, as reported by Garcia (De Beneficiis, part 1, chapter 2), "If the Bishop has once proposed an edict by public notice, and someone is found to be suitable, although the Tridentine Council does not require it), nevertheless, another edict should be proposed through a more secure judgment by public notice (just as the Constitution of Benedict does not require a second edict to be proposed, as mentioned above), and if no one appears who is suitable, then the benefit should be granted to someone after a prior examination without public notice." Furthermore, it is written: "And in accordance with this, 'In the case of a vacancy in the aforementioned Sacred Council in the parish of Vicenza, if only one person appears within the term of the edict, and refuses to undergo an examination, and does not wish to obtain the parish, the Most Reverend Fathers, with the authority of Our Holy Lord, have judged that the Prefects should be summoned again, and another edict should be assigned to be proposed to the opponents.'" Therefore, it is only when the revenues of the benefice are meager, whose fruits do not exceed 24 gold ducats from the Camera, or approximately 250 florins, that, if no one appears after the first edict of examination by public notice, the same Sacred Council in Vercelli has ordered that: "if the seat is vacant in the aforementioned parish, the Bishop, according to his conscience and with the advice of the assessors, shall proceed as he deems fitting." Indeed, according to the Tridentine Council, even the first public notice is not necessary "if the revenues of the parish are so meager that they do not warrant the expense of the entire examination, or if no one is found who wishes to undergo the examination." From what has been said so far, it appears that the necessity of a second public notice is, in general, such that it cannot be said to be merely a matter of consultation, as some contend. Nor can it be objected, as is indeed objected, that the decision of the Holy Sacred Council in Ripana on March 7, 1885 (cf. Acta S. Sedis, vol. 17, pages 590-597), in which two priests who appealed in their prayers were not heard, because one was unworthy, and therefore the Bishop could have, before the public notice, prevented the danger by consulting, and because the other appealed on fatal days. Finally, all the authors we have consulted favor our thesis; thus, for example, the aforementioned Garcia, Massobrius (Praxis Canonica, requirements, number 3g; 74 and 75), Barbosa (De Episcopo, chapter 2, number 51; and ad Conc. Tridentinum, Leurenius Ferraris 615), Aichner 416), Ojetti (Synodal Theologia, moral and 5, universal, g, page 302).

[*Latin ed. p. 649*]

649. In Mediolanum, nemo debeat sollicitari de subiciendo se exam-

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ini... Ordinarius, si pro sua conscientia, cum consilio delegatorum, ita iudicaverit, omissis his formulis, potest alium examen privatum adhibere. Attamen, memineris quod ratio principalis et unica, in huius et aliorum similiarum casuum, ad concedendum dispensationem ab lege Tridentina, esse debet utilitas et necessitas Ecclesiae providendae. Resolutio. Quare, Sacra Congregatio, postquam petitiones has diligenter perlegit, die 17 Decembris 1904 respondit: "Ad triennium, facta promissione cum Reverendissimis. Iuxta praeceptum Concilii Tridentini et Constitutionis Benedictinae, examen per concursum, tam de doctrina quam de ceteris requisitis, habendum est cum vacatio cuiusvis paroeciae contigerit. 2. Tamen, huius legi Tridentinae obtemperatur etiam per concursus generales, in quibus idonei sacerdotes ad curam animarum renuntiabantur (1). 3. At, huiusmodi concursus generales, absque speciali indulto Sacrae Sedis, indicari non possunt pro paroeciis nondum vacantibus tempore concursus. 4. Sedes Apostolica solet concedere indultum etiam ad examen generale de scientia separandum ab examine de aliis canonicis requisitis in effectiva paroeciae provisione peragendo. 5. In casu hoc, triplex facultas conceditur Archiepiscopo Mediolanensi, providendi nempe, absque novo concursu, ecclesias parochiales tempore concursus generalis vacantes, tum (1) "An hoc declaravit Sacra Congregatio in Caietana, die 20 Iulii 1889, ubi propositum est dubium: "Posset Episcopus pluribus paroeciis unicum concursum collective indicere et, servatis servandis, celebrare, sibi vel cui de iure reservans eas distribuere et conferre inter concurrentes ab examinatoribus in concursu probatos, qui magis idonei pro unaquaque paroecia iudicentur?" respondit: "Nihil obstare" (Nota Redactoris).

[*Latin ed. p. 650*]

65. From the Sacred Congregation, it is declared that, through priests present at the same gathering, those deemed suitable are to be identified, and also, that those outside the gathering who are found to be capable are to be considered, as well as that parishes not yet vacant at the time of the gathering are to be provided for by priests whose abilities have become apparent at the gathering. The Bishop, through the revenues of the church, can, during a canonical visitation, restore the church to its original status according to common law. Example: In the town of Castelmauro, in the diocese of Thermarum, there exists a collegiate church, a *receptia*, under the title of Saint Leonard, consisting of an archpriest and several canons. The Capitular statutes, drawn up in the year 1715 and approved by the Bishop of that time, confirm the duty of the canons to assist the parish priest in the exercise of pastoral care, and stipulate that the archpriest shall receive a portion equal to that of the canons from offerings and other uncertain revenues, except in the case of funerals in which the body is present, in which he would receive an increase of almost one *libella*. Matters proceeded peacefully until the year 1900, when the current Bishop decided to

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restore the practice of this collegiate church to the common law prevailing in *receptia* in southern Italy, and issued a decree during a canonical visitation, in which he confirmed the obligations of the canons and, furthermore, established: 1. That the archpriest shall receive double the portion, both in funerals in which the body is present and in processions of saints; 2. That the responses and the psalm *De profundis* are to be sung by the canons outside the church and the cemetery. This decision of the Bishop did not please Aloisio Lalli, a canon of the same church, who, for private reasons, having been deprived of his office by the mandate of the Chapter, presented an appeal to the Holy Sacred Congregation, requesting that the aforementioned articles be declared invalid and harmful to his rights.

[*Latin ed. p. 651*]

The defender of the *thérmulares* argues that the priest Lalli is wrongly denied a double portion of the archpriest's stipend. He contends that the *thérmulares* are true co-workers, or rather, those who exercise jointly with the archpriest the care of souls, and that they possess their own rights and duties as parish priests, as Sebastianelli notes (De personis, page 820). They are obligated by the Capitular Statutes to celebrate Mass for the people daily in turn, to assist the archpriest in the administration of the sacraments, in caring for the sick, in preaching the Word of God, and in catechetical instruction; furthermore, they have the right, together with the archpriest, to half of the tithes, and to all the customary offerings made on feast days. Moreover, he argues, it is well known that in ancient times, the care of souls was carried out by the *thérmulares* on a weekly rotation; and although, with the passage of time, this responsibility was primarily entrusted to the archpriest, it was done so only for the more efficient administration of the parish; therefore, the advocate argues, it is just that the Statutes stipulate that the archpriest should receive an equal portion of the uncertain revenues together with the *thérmulares*. If the Statutes grant the archpriest an additional sum of one *libella* at funerals, this is done only as a sign of honor and respect. Furthermore, the defender argues, the general regulations issued for other parish churches in the Kingdom of Naples cannot be invoked in this case, because the church of Saint Leonard is governed by particular Statutes and customs, which are protected by episcopal sanction, and therefore constitute a particular law, and which have not been repealed by the law of the Concordat of 1818. Finally, the advocate turns to custom, the existence of which he seeks to prove, either *a priori*, namely from the very decree of the Bishop of 1900, which certainly would not have been necessary if that custom had not existed up to that time; or *a posteriori*, namely from a certain accounting scheme, from which it is clear that the archpriest receives the same amount

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in uncertain revenues.

[*Latin ed. p. 652*]

652 From the Sacred Congregation, a portion and other matters were assigned. Nor does he fail to note the present archpriest, who for 14 years has been a parish priest in the church of St. Leonard, and who has acquiesced in this ancient custom until the year 1900. Furthermore, the archpriest enjoys a stipend of 1000 livres, not including uncertain sums, while the participants are of modest means. Finally, the advocate challenges the Bishop's decision regarding the singing of the *De Profundis* and the *Libera*, either because the participants are true members of the choir and therefore ought to enjoy the same rights and privileges as the archpriest; or because the aforementioned decision is contrary to the Capitular Statutes and custom; or because the local determination and restriction lacks a plausible reason.

Objections to the archpriest's deductions. Here, he attempts to refute the arguments presented by the opposing side. Indeed, the opposing side itself does not deny that the care of souls primarily resides in the archpriest, and therefore, according to the Capitular Statutes, the participants are rather coadjutors of the parish priest. The daily Mass for the people, perhaps, is that which the Capitular Statutes impose, which each chapter is obligated to offer daily for the benefit of benefactors in general, and not the parochial Mass, which does not occur on Sundays and feast days. Furthermore, the Capitular Statutes are not of such a nature that they can never be changed by the Ordinary for just reasons, especially during the visitation of the diocese, in which the Ordinaries, as delegates of the Apostolic See, are given special faculties for the spiritual good of souls. Therefore, Crispin (Pastoral Visit, part 2, § 29, no. 1), after teaching that the Bishop can correct what is contrary to common law, speaking of the statutes of churches, says: "But if something must be reformed in the statutes, this is left to the doctrine and prudence of the good Bishop and his visitors, or other of his advisors"; and he confirms the decision of the Most Holy Congregation in Oseen, 27.

[*Latin ed. p. 653*]

Thermularum 653, Februarii 1, 1607, in qua, cum Capitulum facultatem dictam in Episco refragaret, Sacra Congregatio respondit: "Possidere Vestrae Excellentiae potestatem coarguere Capitulum ad exhibenda Statuta ecclesiae, quorum inspiciendorum desiderium numquam vobis factum esse potest." Nec in hisce Statutis reformandis tempore Visitationis necessaria videtur esse consensus Capituli Cathedralis, sicut in aliis negotiis gravioris momenti, quia, ut habet Barbosa (De can. et dignit., cap. ult., n. 14): "in his, in quibus Episcopus procedit vigore Concilii Tridentini, uti Sedis Apostolicae delegatus, nullam habet communionem cum Capitulo..." Nec tertio videtur posse admitti consuetudo ex adverso allegata. Consuetudo enim, ut tenent omnes doctores, una cum Cardinale

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De Luca (Discursus, §§ de feudis, n. 4), ab allegante est probanda. Atqui in themate non potest dici sufficienter probata. Nam ex regio decreto diei 3 Decembris, 1812, Gubernii Neapolitani, occasione suppressionis 8 canonicatuum in ecclesia S. Leonardi, eiusdem archipresbytero assignata fuit dupla portio; hinc consuetudo dici potest interrupta. Folium punctaturarum a. 1848 et factum acquiescentiae hodierni archipresbyteri explicari possunt conniventia archipresbyterorum, quae obesse non potest successoribus, utpote iure proprio venientibus ad regimen parochiale. Hisce remotis difficultatibus, archipresbyter demonstrandum aggreditur, quod controversa dupla portio in funereis associationibus ei assignata fuit ex iure communi moderante ecclesias receptitias post Concordatum a. 1818, uti facile patet legenti decreta ministeralia a. 1822, 1827 et 1830. Itaque episcopale decretum nullius ius violavit sed paruit enunciatis dispositionibus. Quod si haec dupla portio archipresbytero concessa fuit etiam in sacris Processionibus, non ideo increpandus videtur Episcopus, cum hic duplae portionis mos in functionibus non funerariis vigeat in pluribus ecclesiis receptitiis, uti recenter visum est in una Baren.-Iurium 23.

[*Latin ed. p. 654*]

From S. C. 654 of the Council of January 1904, judged (i) by the Holy Sacred Congregation; furthermore, it is supported by the particular law of the Church of St. Leonard, according to the aforementioned ministerial decree of December 3, 1812. Something should be added concerning the prescription in the chants *De profundis* and *Libera*; but because this matter depends entirely on various circumstances of place and time, it is a subject entrusted to the prudent judgment of the Ordinary. Finally, the archpriest observed that he did not wish to exceed the sum established by the Concordat. Resolution. The Sacred Congregation, after considering all matters, responded on July 16, 1904: "The decree is upheld, and according to its meaning." The meaning, communicated to the Bishop, was expressed as follows: "Although the Sacred Congregation has, with a resolution of this day, confirmed the decree of Your Eminence in favor of the parish priest of Castelmauro, it is nevertheless the opinion of the Most Reverend Fathers that Your Eminence should moderate the application, as far as the first part is concerned, which concerns the double portion of the parish priest, urging him to be content with what he currently receives, as long as the Reverend Lalli lives, satisfied with having safeguarded, in the greatest measure and for the future, his good right. The reason for this recommendation lies primarily in the fact that the Reverend Lalli has for a long time possessed the small emolument that comes to him from not granting the double portion to the archpriest, and he has entered into this arrangement under these conditions. It therefore seems equitable and expedient, also in order not to arouse complaints from this priest, that the parish priest

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should be accommodating to him." But this meaning did not satisfy the archpriest, who requested that the Holy Sacred Congregation reconsider the matter. New arguments of the archpriest. The meaning of the Sacred Congregation, he himself said, is based on the assumption that the priest Lalli is older than the petitioner and that he has for many years been in almost continuous possession of his share of the revenue, namely (i) Cf. Acta S. Sedis, vol. 36, p. 680-689.

[*Latin ed. p. 655*]

Thermularum 655 was included among the participants under the following condition: He was admitted. However, the archpriest submits a document regarding age, from which it appears that he surpasses his confreres, either in the time of his admission or in age, which is 26 years less than that of Father Lalli. Furthermore, the opponent cannot claim that he is entitled to vote because he was admitted to participate without any obligation to agree to a double solution; for this obligation is attached to participation, just as burdens attached to property or inheritance weigh upon them, even if those who acquire them are unaware of the burdens. Nor can he seek refuge in a long-standing claim of receiving participation benefits without any reduction; for he has always acted in bad faith. Finally, the archpriest demonstrates, with the approval of the Bishop, that Father Lalli receives 1000 livres, while he, as a parish priest, has a proper and fitting income of 3116 livres, with an additional charge of 5200 souls. Resolution. The Sacred Congregation of the Council, at the request of the priest representing Father Lalli for the determination of the case, on November 19, 1904, graciously approved, writing: "Deferred." However, when the same representative, despite being warned, did not present further reasons, after considering the arguments already presented, the same Sacred Congregation, on December 27th of that year, wrote: "Regarding all and more, we decide as follows."

1. When the Bishop proceeds according to ordinary law in reforming the Capitular Statutes, as in other matters of greater importance, he is required to seek the advice or consent of the Chapter.

2. But when he acts as a delegate of the Apostolic See, as in a pastoral visitation of the diocese, he enjoys special powers granted by the Council of Trent.

3. Then, without the intervention of the Chapter, he can even correct the Capitular Statutes that are contrary to common law.

[*Latin ed. p. 656*]

From the Sacred Congregation, 656, and other decrees which pertain to the spiritual welfare of souls and to the proper discipline of the clergy. 4°. The ecclesiastical jurisdiction within the Kingdom of Naples is regulated by the Concordat of 1818 and by the Bull *Impensa* of Pope Pius VII, as

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well as by subsequent ordinances. 5. This common law grants the parish priest a double portion in funeral associations, provided the deceased is present; however, by virtue of an existing custom, this extends to other functions, not merely funeral ones. 6°. Finally, the judgment of the Sacred Congregation, considering the particular circumstances, may regulate the application of the sentence, in whole or in part, and for a time.

FANEN. The ecclesiastical rights previously granted to the parish and then conditionally to the Regular clergy, during the absence of the latter, depend entirely on the parish priest. Outside the walls of the town of Cartoceto, in the diocese of Fanen, there is the church of the Holy Apostles Peter and Paul, which was formerly a parish church; but at the beginning of the 17th century, for the greater benefit of the faithful, the parish was transferred, with the permission of the Ordinary, to another church within the town, under the title of the Blessed Virgin of Mercy, which was later elevated to a collegiate church. Meanwhile, the aforementioned church of the Holy Apostles Peter and Paul was, with prior Apostolic dispensation, entrusted to the Order of the Friars Minor "for the purpose of establishing a convent there for those same Friars, reserving, however, for the parish priest and his successors forever the title of parish church of the aforementioned church, together with all its possessions, lands, goods, and revenues, tithes, and emoluments of every kind; and with this also, that while retaining the perpetual use of the sacraments and the exercise of pastoral care in the aforementioned church of the Blessed Virgin of Mercy, the aforementioned parish church of the Holy Apostles Peter and Paul is granted to the aforementioned Friars, as stated."

[*Latin ed. p. 657*]

"Furthermore, so that the memory of the old parish might not be forgotten, and also as a token of gratitude, it was imposed upon the Religious that they should annually provide one pound of refined wax in favor of the parish priest and Ordinary. These conditions were faithfully observed by the Religious until the year 1871, in which year they were compelled to leave the church and monastery due to Italian laws that undermined religious orders, and which were granted by the Government to the Municipality for the construction of a cemetery. From that time onward, a rector or caretaker began to be appointed in the church of Saints Peter and Paul, who also served as the chaplain of the cemetery. It is not known whether the archdeacon, the parish priest of the collegiate church, or the diocesan Curia appointed these chaplains; however, the two most recent were designated by the Curia. Matters proceeded peacefully until the year 1889, in which year a temporary agreement was initiated to resolve the disputes that had arisen between the parish priest and the chaplain, which was moderated in 1898 by the then-current parish priest, Paganucci, and the chaplain, Della Santa. But when, in 1902, the parish priest declared that

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he no longer wished to observe this new agreement, he also sent word of another agreement, and he appealed to the Holy See."

[*Latin ed. p. 658*]

658 From the Decrees of the Council concerning the claims of the parish priest. He derives his rights from the terms of the cession made by the parish priest of that time to the Brothers Minor, from which it is clear that the use of the church was granted exclusively to the Religious, "in order to establish a convent there for the same Brothers"; but they, although compelled by a higher power, abandoned one and the other; hence, by their own action, the use reverted to the parish priest. Furthermore, as the Bishop himself states, the parish priest, through the transfer made to the parish, did not intend to convey all rights over the remaining church; he intended to reserve it for himself as a parochial church, with the same title, and with the right to take first possession of it, as well as to freely exercise certain parochial functions, etc. It should not be argued that these reserved rights do not constitute a proper parochial right, but are merely privileges; for when the Religious objected to the Ordinary visiting the aforementioned church, the Sacred Congregation responded that the Bishop should be maintained in his quasi-possession of visiting it in matters concerning the care of souls. Therefore, since the church is entirely dependent on the parish priest, only he is authorized to appoint a chaplain in it, with the prior approval of the Ordinary regarding his suitability. This chaplain, however, who receives a salary from the Municipality, either as rector of the church or as custodian of the cemetery, must remain content with that, and cannot claim funeral fees, nor does he have the right to establish any functions. Indeed, if funeral fees are granted to the chaplain, great harm is done to the parish priest, since in the church of Saints Peter and Paul, being adjacent to the cemetery and more convenient for the transport of corpses, more funerals are celebrated by the faithful. Moreover, while the Religious assisted the parish priest, the current chaplain has always declined this duty, although it was imposed upon him by the Municipality. However, the priest Della Santa objects that the appointment of chaplains has always been made by the Ordinary.

[*Latin ed. p. 659*]

659. The parish priest replies that, contrary to these claims, and especially concerning the last chaplain, his predecessor had issued a protest. Furthermore, there is the testimony of the Archbishop of Urbino, Vampa, who was a parish priest in the town of Cartoceto, as well as that of two canons of the Collegiate Church, who not only attest to the work performed in the exercise of pastoral care by the Religious and by the previous chaplain, but also declare that said church had always been considered as belonging to the Collegiate Church.

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Allegations of the chaplain: Firstly, he denies that the use of the church of Saints Peter and Paul had been exclusively granted to the Religious; because in the petitions presented to the Holy See by the parish priest concerning said cession, a case is admitted in which, if the Religious were to depart, others might succeed them in the possession of the church, as in fact happened with the chaplains appointed by the Bishop.

On the same basis, the chaplain believes that there is another argument for the collegiate status; for, as the Rota has held, parochial status is not presumed (Pee, 2j8, n. j, p. i, in recent). However, the fact that certain parochial functions were performed or sacraments were administered in said church does not necessarily imply that parochial status remained; for it must also be proven that a certain population was assigned to that church, and that the sacraments were administered by the Religious as co-parish priests, as the Rota has decreed (Dec. jSo, p. f, in recent), and that the people were obliged to receive them from them. On the contrary, in this case, the Collegiate Church of Santa Maria de Misericordia was designated for the administration of sacraments and the exercise of pastoral care.

Furthermore, the chaplain argues, it cannot be claimed that the church had a collegiate status simply because the parish priest initially held possession of it, and retained that title; for possession is taken on the basis of the existing revenues of the church, and the title was preserved so that the memory would not perish that this church had once been parochial. This is all the more so because, in the funerals celebrated there, the Religious paid the parish priest only one-fourth of the customary fees; but, if the church had been a co-parish, the parish priest could have claimed all the revenues.

[*Latin ed. p. 660*]

66. From the Sacred Congregation of Councils, the argument in favor of upholding the rights of the chaplain is drawn primarily from the agreement of March 4, 1899, according to which only the parish priest retains the uncertain revenues from funerals on the day of death; the chaplain has no dependence on him, and furthermore, he is burdened with the obligation of an annual payment of 20 pounds of wax in favor of the chaplain, etc. Under this agreement, just as two previous chaplains, so too did he, since 1896, renounce the office of rector of the church. Hence, it follows that such an agreement must also be observed by the current parish priest, both because he already possesses an acquired right by virtue of the Bull of nomination to the rectory of the church when a new parish priest succeeded, and because this agreement was initially at least tacitly accepted by the parish priest, and his renunciation only took place after the cessation of the induction, lasting for one year. Finally, concerning the appointments of chaplains, it is noted that these have always been made by the Bishop; nor could it have happened otherwise, because Religious, when compelled by a higher power to leave the church, did not therefore lose the right in

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this case, although during their absence, it spontaneously reverted to the Bishop, to whom the obligation lies of maintaining the divine worship in the churches of his diocese. Doubts. I. Whether the appointment of the rector of the church of Saints Peter and Paul should be made by the archpriest, the parish priest of the collegiate church of Cartoceto, or rather by the Ordinary of Fanum in this case. II. Whether and how the aforementioned parish priest is entitled to the funeral revenues, even on the seventh, thirtieth, and anniversary days, in this case. III. Whether and what functions the rector of the aforementioned church can perform without the permission of the archpriest, the parish priest, in this case. Resolution. And the Sacred Congregation of Councils, having considered all these matters, considered it appropriate to respond on December 17, 1904: To I. Affirmative, by the parish priest with the approval of the Ordinary. And the rector is in all respects dependent on the same parish priest to whom the church, as his parochial church, fully belongs, during the absence of the Religious. To II. and III. Provision is made in I.

[*Latin ed. p. 661*]

From the Sacred Congregation of Rites: 1°. The cession of the church of Saints Peter and Paul by the parish priest of the Collegiate Church of the Blessed Virgin of Mercy to the Brothers Minor was made under certain conditions and with reservations of rights, which constitute true parochiality. 2°. Therefore, in whatever way the Religious may fail, the church, even with regard to rights, must belong to the parish priest. 3°. Consequently, the right to nominate the rector of the church, as his own coadjutor, belongs to the same parish priest, who is bound to depend on him in all things.

FROM THE SACRED CONGREGATION OF RITES, DIOCESES OF FRANCE: Blessed John Vianney is established as the patron of the parish priests of France. Because the honors of the Blessed in Heaven were solemnly conferred upon the Venerable John Vianney, several sacred prelates of France, in order especially to fulfill the proper vows of the clergy, repeatedly and through insistent letters implored the Most Holy Pope Pius X to deign to attribute and declare him, although not yet having attained the highest earthly glory with which the Saints shine, a patron of priests, through Apostolic benevolence and dispensation, among his citizens, devoted to the care of souls. For it seemed to require, as it were, a special right, that the parish priests should earnestly implore the assignment to themselves of such a suitable defender, in whom they might have greater confidence. For in this our age, which especially needs outstanding and invincible pastors, a perfect example of the sacred ministry would be available to all for imitation; hence, Acta S. Sedis, Vol.

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XXXVII, p. 42.

[*Latin ed. p. 662*]

662 From the Sacred Congregation of Rites, it is desired that the footsteps of the Blessed Vianney be followed with greater zeal, so that, with greater industry and prosperity, the people may be drawn back to virtue and the Church; and therefore, through their own works and, joined together, they should strive with all their might to restore all things in Christ, according to the excellent example of the aforementioned Confessor. Not only would an example be given, but, with heavenly patronage, assistance would also be provided in the arduous ministry of the pastors, diligently and piously fulfilling their duties for the flock entrusted to them, and, in the harsh vicissitudes of time, great consolation, and that most present, would be offered. – Therefore, the Most Holy Pope, emulating the examples of his predecessors, which have not been published even once, has graciously and favorably received the prayers recently offered on this matter, deeming it fitting of his own accord. For the great care and vigilance with which he constantly looks to the good of the Church, and for the special affection with which he bears a most paternal regard for the group of pastors at all times, he desires nothing more than that fresh favor and protection from above may accompany their labors; and that the light placed upon the candelabrum, for all the priests who participate in the homeland and in the pastoral ministry in France, may shine more brightly each day, as an example, a support, and a consolation. Therefore, knowing the Blessed John Baptist Vianney, who, in his constant and long-lasting pastoral office, which Saint Augustine rightly calls the office of love, so completely devoted himself to the flock, that he not only illuminated his native land among all the French and Belgians, but truly the entire land of France, with virtues and miracles, in a way superior to other nations; the priests who care for souls in France and in other places subject to the same nation, have been granted the privilege of choosing and establishing him as their heavenly Patron. Furthermore, the same Most Blessed Father, firmly trusting that pastors and faithful, through the intercession of John Baptist Vianney, will receive abundant fruits of piety through his cult and imitation, has graciously granted that, in the aforementioned places, His images and relics, with the consent of the local Ordinaries, may be venerated.

[*Latin ed. p. 663*]

From the Sacred Congregation of Rites, 663, the respective Ordinary may permit the public exposition of relics; and the feast days, under a lesser double rite, but in the Bellicensis diocese under a greater double rite, may be celebrated, both for secular clergy and for religious, with the proper Office and Mass, approved by the Apostolic authority: provided that the rubrics and decrees are observed, even those concerning the cult

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of the Blessed. All contrary decrees to the contrary notwithstanding. April 12, 1905. A. L. S. Cardinal TRIPEPI, Pro-Prefect. D. Panici, Archbishop of Laodicene, Secretary. COMPOSTELLANA Concerning the use of musical instruments in the sacred functions. The Most Reverend and Eminent Lord Cardinal Joseph M. de Herrera y de la Iglesia, Archbishop of Compostella, to the Sacred Congregation of Rites; sending a list, first, of the feasts which are solemnly celebrated in his Cathedral church with vocal and instrumental music, commonly an orchestra; and second, of the instruments which the musicians use in those same celebrations; and furthermore, desiring to have an authentic interpretation of what the Most Holy Pope Pius X established in his Motu proprio concerning sacred music, namely: "Sometimes, while preserving what must be preserved, other musical instruments might be admitted, with the consent of the Bishop, as the Caeremoniale Episcoporum prescribes" (1), he reverently proposed the following questions to the same Sacred Congregation: I. In which feasts, and under what circumstances, may the use of the instruments be permitted, which are listed (namely, violins, violas, violoncello, contrabass, flute, clarinets, bassoons, horns)? II. May the use of instruments be permitted in the Office and Mass for the Dead? (1) Cf. Acta S. Sedis, vol. 36, p. 3Q3, n. 15.

[*Latin ed. p. 664*]

66 From Instruction 4 of Sacred Congregation for Religious Rites, Section III: Should the use of the organ, called "harmonium," be prohibited in parochial and monastic churches during the Office and the Mass for the Dead? Furthermore, the Sacred Congregation for Religious Rites, after considering the report of the undersigned Secretary, and the carefully considered opinion of the Commission on Sacred Music and Chant, decided to respond as follows: I. To the first part, Affirmative; to the second part, in those functions and times in which the sound of the organ and other instruments is not prohibited by the *Caeremoniale Episcoporum*, by the aforementioned Motu Proprio, and by the Decrees of the Sacred Congregation, as in the decrees of Pisa, March 20, 1903, and of Compostella, January 8, 1904, concerning the Triduum of Holy Week (i); however, according to the prudent judgment of the Ordinary in each case, with a dispensation from the law and common practice, the Gregorian chant or polyphonic music, or other approved music, may be used in the sacred functions. II. In the Office, Negative; in the Mass and the Absolution after Mass, as in the response to I, and with the aforementioned stipulations, so that the sound of the organ and other instruments is used only to support the voices, and the instruments are silent when the singing is silent, according to the *Caeremoniale Episcoporum*, Book I, Chapter 28, paragraph 1, 3. III. As provided in the preceding. And thus it responded, on April 15, 1905. A. L. "Most Reverend Cardinal TRIPEPI, Pro-Prefect. D. Panici, Archbishop of Laodicea, Secre-

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tary. FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS: An indulgence is granted to those who recite a certain prayer for obtaining a good vocation. To the Most Blessed Father, Enrico Radaeli, S.J., Spiritual Director of the Pontifical Leonine College of Anagni, prostrate before the Most Holy [Virgin], (i) "Cf. Acta S. Sedis, vol. 35, p. 625; and vol. 36, p. 428.

[*Latin ed. p. 665*]

From the Sacred Congregation of Rites, 665, humbly, for the favor of all those who will recite the following prayer of Father Doss, for the good choice of a state in life, an indulgence of three hundred days, once a day, and a plenary indulgence if, after reciting it for the space of a novena, on one of those nine days, they approach the Holy Sacraments of Confession and Holy Communion; it also implores that the aforementioned indulgences be applicable to the souls in Purgatory.

PRAYER TO OBTAIN A GOOD CHOICE OF A STATE IN LIFE:

O my God, You who are the God of wisdom and counsel, You who read in my heart the upright will to please You alone, and also to regulate myself, regarding my choice of a state in life, in all things conforming to Your most holy desires; grant me, through the intercession of the Most Holy Virgin, my Mother, and of my Saints, especially of St. Joseph and St. Aloysius Gonzaga, the grace to know which state I ought to embrace, and to embrace it, once known, so that I may seek and increase Your glory in it, work out my salvation, and merit that heavenly reward which You have promised to those who fulfill Your divine will. Amen.

To those who devoutly recite this prayer, We grant an indulgence of three hundred days, to be gained once a day.

Given on the 2nd day of the month of March, in the year 1905.

PIUS PP. X

This present rescript has been presented to this Sacred Congregation, which is responsible for Indulgences and Sacred Relics.

In witness whereof, etc.

Given in Rome, from the Secretariat of the same Sacred Congregation, on the 6th day of May, 1905.

L. [Signature] S. F. D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 666*]

From the 666 Biblical Commission: CONCERNING IMPLIED QUOTATIONS CONTAINED IN HOLY SCRIPTURE. Since it has been proposed to the Pontifical Biblical Commission, as a guiding norm for those study-

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ing Holy Scripture, the following question: Whether it is permissible for a Catholic exegete, in order to explain the difficulties that arise in certain passages of Holy Scripture, which seem to refer to historical events, to assert that these passages contain an implied or tacit quotation from a document written by an author not inspired, whose assertions the inspired author does not at all approve of or intend to adopt as his own, and which, therefore, cannot be considered immune from error? The aforementioned Commission judged that the answer should be: No, except in the case where, with due regard for the sense and judgment of the Church, it is proven by solid arguments that: 1. The writer is truly quoting the words of another, or documents; and 2. He neither approves nor adopts them, so that it is rightly considered that he is not speaking in his own name. On February 13, 1905, the Most Holy Father, after hearing the undersigned Consultant from the records, approved the aforementioned Response and ordered it to be made public. L. ”I* S. Fr. David Fleming, O. F. M., Consultant.

FROM THE VICARIATE OF THE CITY: Circular Letters which the Cardinal Vicar of the City sent in the name of His Holiness to the Bishops of Italy, concerning the XVI International Eucharistic Congress being held in Rome. Illustrious and Reverend Sirs, It seems to us a benevolent disposition of Divine Providence that the seat of the XVI International Eucharistic Congress was...

[*Latin ed. p. 667*]

From the Vicariate. 667. The City of Rome, designated as the Metropolis of Christendom, where the sweet echoes still resound from the solemn celebrations commemorating the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of Mary, to Jesus through Mary. The Most Holy Virgin, recently celebrated with such manifest protection from Heaven by the entire world, reveals herself to us, in this fortunate circumstance, as a wise guide, a powerful and effective protector, in our holy intention to honor her Divine Son through those sublime works which, as the learned and pious Oratorian Faber wrote, are the most wondrous, the most perfect, because they fully express the inner perfections of God Himself; the work which Saint Thomas Aquinas defined as the compendium of all miracles. That the announced celebration in this Rome, the Seat of the Roman Pontificate, may be worthy, and that it may yield that abundance of spiritual fruits which our Holy Father rightly expects to alleviate the evils that abound everywhere, We, in His august Name, invoke the cooperation of all the most venerable Prelates of Italy. And therefore, with true pleasure, we hasten to inform Your Eminence and Lordship that the Holy Father has graciously accepted the proposal of the Permanent International Committee of Eucharistic Congresses to hold a Eucharistic Congress in Rome this year; and, in His ardent charity for the souls redeemed by the precious Blood of the God of love, He has expressed His desire to personally par-

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ticipate, as far as present circumstances permit, in some of the functions, of which mention is made in the attached program, already sanctioned by His Pontifical Authority (1). (1) For the officially scheduled moments, we take the following from the Congress: The Eucharistic Congress of Rome will take place from June 1st to June 7th of this year, 1905.

[*Latin ed. p. 668*]

668 From the Vicariate of the City, it is desired that the Holy Father himself inaugurate the Congress with a solemn Pontifical Mass, which he will deign to celebrate in the Basilica of St. Peter on June 1st, the feast of the Ascension of Our Lord Jesus Christ. He also wishes to paternally welcome all his children who will come to Rome for this auspicious event, and to address them all with his words. The Congress will have a solemn inaugural session and three practical study sessions. These sessions and sections will have as their subject: 1° Eucharistic Congresses and the Press; 2° Eucharistic Associations; 3° Eucharistic Worship.

First Section: Eucharistic Congresses and the Press. — Theme: Our Lord in His Eucharist has been more widely disseminated at the end of the past century through Eucharistic Congresses and the press. — Congresses are international, national, and diocesan, as well as those of cantons and districts, and there are Eucharistic Days. — To bring to light the purpose, the practical means, and the fruits of these congresses. — The Eucharistic press, its organs, its influence, its shortcomings.

Second Section: Associations — Devotion to the Most Holy Sacrament is carried out and spread through Associations. — There are two kinds of Associations: a) Archconfraternities and Confraternities that have as their direct object the Most Holy Eucharist; b) Various Associations in which the worship of the Eucharist is held in special honor. Subsequently, the Associations of priests, both male and female, of workers, and of young people will be discussed, making well known the nature of each, its elements, its practices, and its fruits.

Third Section: Worship. — Worship of the Most Holy Sacrament can be considered: with respect to the Holy Mass, in which the Holy Communion takes place, in which Jesus gives Himself; Jesus is immolated; with respect to the Holy Tabernacle and the Ostensor, where He awaits us: 1° The excellence of the Holy Sacrifice; assistance at the Holy Mass, either by obligation or by devotion. — Works that have as their object the Holy Mass to which adults, or children, attend. 2° Preparation of children for First Holy Communion. — The Solemnity of First Holy Communion. — Easter Communion, as well as attracting those men who abstain from Communion. — Works that have as their object the Holy Communion. — Monthly Communion, weekly Communion, for Viaticum. 3° Day and night Adoration. — The Holy Hour. 4° Eucharistic Feasts. — Visits to the Most Holy

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Sacrament.

[*Latin ed. p. 669*]

From the Vicariate of the City: 669 The Congress will conclude with a grand and solemn procession, to which the Holy Father, Pope Pius X, desiring to support the impulse of His always paternal and loving heart, will participate, carrying in His hands the Ostensorium containing the Adorable [Eucharist]. I have no doubt that Your Eminence and Reverence will exert yourselves, with that zeal which so greatly honors you, to ensure that a numerous representation of both the clergy and the laity of your diocese attends the Congress; and I have firm confidence that the prayers raised to the God of mercies, in communion with our beloved Father, and bound to Him by the sweet bond of love, during these sublime hours commemorating the marvelous work of a God who, in returning to His Father, willed to leave Himself as an inheritance to us, will bring abundant and salutary benefit to souls. Furthermore, I am pleased to inform Your Eminence of the intention of the Permanent Committee, namely, to enrich with a more worthy enclosure the most precious relic that the Eucharistic Institution possesses on earth. In the church of St. John Lateran, mother and head of all the churches of the world, is preserved the Holy Table that was used for the Last Supper which Jesus held with His disciples, and in which He instituted the Sacrament of Love. In order that the memory of the sixteenth Eucharistic Congress may remain imperishable, we approve the wise counsel of the Permanent Committee to invite all the faithful to contribute with their offering to adorn that sacred Relic with a rich and artistic reliquary, so that it may be more visibly placed near the Confession of the Archbasilica, dedicated to the Most Holy Savior, and thus exposed, it may be made more accessible to the veneration of the faithful. It is also the desire of the Holy Father that, during the period of the Congress, in every diocese, in every parish, similar to this Metropolis, it be honored with special acts of devotion.

[*Latin ed. p. 670*]

From the Vicariate of the City of the Most Holy Jesus in the Sacrament, addressed to the faithful to whom it is not permitted to come to Rome. To assist, therefore, the Permanent International Committee in the implementation of the Program, particularly concerning our Italy, we have, with the consent of the Holy Father, established, under our Presidency, a Local Roman Committee, whose primary task is precisely to make widely known the holy purpose and the special invitation of the Vicar of Jesus Christ. For this purpose, we appeal to Your Excellency, earnestly requesting that you deign to:

1. Communicate, in the manner that you deem best, this our appeal and the attached program to your diocesan faithful.

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2. Instruct the parish priests and other priests who have care of souls to make known the purpose of the Eucharistic Congresses, which is to honor the Sacrament of the Incarnate God, who offered Himself for men, to promote its worship, to encourage its frequent reception, and to rekindle in the people gratitude for it through manifestations of faith and, above all, through the practice of a Christian life.

3. Designate one or more ecclesiastics, who, in agreement with Your Excellency, will maintain contact with this Roman Committee, so that their task may be facilitated, especially concerning participation in the Congress: a) keeping this Committee informed of the number of Congress participants, their names, etc.; b) promoting reports for the Congress on the issues of the attached program; and c) transmitting these reports to the Roman Committee.

4. Ensure that the ecclesiastics designated as above, under the authority of the local ecclesiastical authority, promote functions, spiritual retreats in preparation for First Communions, and other pious practices that, in individual places, are deemed most suitable and most beneficial to souls.

5. Invite the local newspapers and periodicals to cooperate in this solemn tribute of public recognition to Jesus in the Sacrament, from which, it will not fail to derive considerable spiritual benefit to souls.

6. Finally, send to this Committee those offerings that are made.

[*Latin ed. p. 671*]

Appendix 671. II. Those who, moved by love, wish to contribute to the Reliquary of the Holy Table, or even to make the festivities to be held on this extraordinary occasion more solemn, may do so. Certain that these our desires, which are those of Our Holy Father, and which are so in harmony with the piety from which we must all be animated towards the highest mystery, to whose solemn celebration we are preparing, will find, through the zeal of Your Eminence, the most ample and most consoling fulfillment, I have the honor to subscribe with sentiments of my distinguished consideration. Rome, April 20th, Holy Thursday, 1905. Of Your Eminence, Your Illustrious and Most Reverend Servant, L. "}" S. PIETRO RESEIGHI, Gard. Vie, President.

APPENDIX II – Concerning Dispensations for Valid and Unconsummated Marriages (1).

59. It is one thing to fail to prove a judgment with any argument, and another thing to be unable to prove a judgment; indeed, if one investigates more closely the power of jurisdiction of Bishops, considering divine law, it will easily be seen that the power to dissolve valid and unconsummated marriages pertains, by ordinary law, to the Supreme Pontiff.

60. We set aside here the question of whether Bishops receive the power of jurisdiction immediately from Christ, or rather from the Supreme Pontiff,

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"a question, as BENEDICT XIV says (de Synodo, lib. i, cap. 4, no. 2), which has long been debated with great contention among the Fathers of Trent and has not been defined, as Cardinal Pallavicinus writes in Hist. Conc. Tridentini, lib. 18, c. 13; and lib. 21, c. 11 and 13." However, as BENEDICT XIV himself says (I. c),

(1) Cf. Acta S. Sedis, vol. 37, p. 131, 346, 542.

[*Latin ed. p. 672*]

672 Appendix II: Those who hold that Bishops receive the power of jurisdiction through the Supreme Pontiff, "a judgment that seems more in conformity with reason and authority," and only in such a way that it is to be understood as a common and certain principle (Card. CAVAGNIS, *Inst. Iuris publici eccles.*, Rome, 1888, p. 457; Card. SEGNA, *de Ecclesiae Christi const. et regim.*, Rome, 1900, p. 184; DE LUCA, S.I., *Inst. Iuris eccles. publici*, 1891, vol. II, p. 190, etc., etc.); however, whatever opinion is held, it is of little consequence to our purpose.

61. And indeed, as noted by Card. CAVAGNIS, even those who hold that Bishops receive the power of jurisdiction immediately from Christ must admit of several limitations, especially that: "it is granted by God in an undetermined or limitable manner by the Pontiff, so that it is the jurisdiction of a subordinate pastor within certain limits designated by the Supreme Pastor" (I.c., p. 454); as opposed to the contrary opinion, "which always maintains that Bishops are not merely delegates, but enjoy their own jurisdiction, because their rank is instituted by Christ to be ordinary pastors, and the participation in jurisdiction comes from the Pontiff to constitute them in this rank, and therefore they have jurisdiction from God through the Pope" (I.c., p. 457).

62. Furthermore, the ministerial jurisdiction, about which the question is only whether it exists, is not the same in the Supreme Pontiff and in Bishops, since it is reduced to the power of dissolving valid and consummated marriages.

63. "The power of the Supreme Pontiff," says P. Pius A LANGONIO, Ord. Min. Cap. (on the Bull Innocentiana, or on the power of the Pope to confer the subdiaconate and diaconate upon a simple presbyter, a historical and theological inquiry, Rome, 1902, with the publisher Analectorum Eccles.), "is not ministerial, but vicarious, since he acts in the place of Christ in all things and in every respect" (no. I 2 j, p. 104).

64. Therefore, with regard to the Supreme Pontiff, a distinction must be made in the Church between two kinds of jurisdictional power:

[*Latin ed. p. 673*]

Appendix II 673 *rialis*, that is, a purely ministerial power, which, if it pleases, can also be called, in a certain sense, a vicarious power, and a strictly vicarious power.

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65. Authors devoted to Gallicanism did not hesitate to call Bishops Vicars of Christ, but Father Pius A Langonio rightly rebukes them (I. c, no. 122): "Such inflated pronouncements can scarcely be tolerated: that Bishops are constituted by divine authority as Vicars of Christ in their respective dioceses." In these words, Thomassini makes as many assertions as he does cavils, for there is only one and unique Vicar of Christ (1), namely the Supreme Pontiff, who is the head and foundation of the whole Church."

66. It is true that the Supreme Pontiff, in the exercise of his jurisdictional and ministerial power, cannot act as a Vicar, except in cases contained in the revelation, of which, however, He Himself is both witness and judge: but it must be said with insistence that the dissolution of a valid but unconsummated marriage clearly pertains to these cases; and indeed, the dissolution of a valid but unconsummated marriage requires a dispensation, or, if it pleases, a relaxation (1).

"From these things that have been demonstrated, it is understood why Peter, and all his successors, are called Vicars of Christ. It is helpful to explain the meaning of these words with the very words in which, at the Council of Florence, at the command of the Pontiff, the formula of definition, which states that the Roman Pontiff is the successor of Peter and Vicar, was explained before the Pontiff, the Emperor, and the Fathers, by the Reverend John Provincialis, O.P. — "And Vicar of Christ," he says, in his document. This particle in itself does not present a difficulty; for it is clear that he is called a Vicar who takes the place of another in some matter. This is evident from the Gospels. For Peter remains the Vicar of Christ on earth, because Christ founded the Church upon Peter, which was founded upon Himself (Christ); and He gave him the keys universally and generally, when He said: "To you I will give the keys of the kingdom of heaven; I will not exclude anyone from the world." It follows that he can bind and loose all things. Since Peter holds the place of Christ on earth, it follows that he is a Vicar; and since the Roman Pontiff succeeds him in the same power, it follows that he is the Vicar of Christ." (Harduin, IX, 959). "Therefore, although others, who have received power from God or from Christ, can fulfill God's office and be called Vicars of God or of Christ, nevertheless, the Vicar of Christ is Peter in the sense that no one, except Peter and his successors, has succeeded him in this office" (WILMERS, S.J., *de Christi Ecclesia*, Pustet, p. 171). 1897.

[*Latin ed. p. 674*]

674. Appendix II: The positive divine law which declares marriage to be also valid and indissoluble (PALMIERI, S. L., *De Matrimonio Christ.*, ed. altera, th. 16 et seq.). 67. It is, indeed, only the Roman Pontiff, the Vicar of Christ, who can relax a positive divine law. SUAREZ (*De Legibus*, lib. io, cap. 6), in response to the question: "Can anyone dispense in the new law?", answers: "If... such power is only possible in human beings,

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it can only be in the pastors of the Church; therefore, especially in the Supreme Pontiff, for in him is the supreme spiritual jurisdiction... Therefore, concerning other Bishops under the Pontiff, the common opinion of doctors seems to be that none of them can dispense in the evangelical law, as we shall see immediately. And the reason can be given, because although this power was necessary for the Church, it was not necessary for Bishops; because its existence in the Supreme Pontiff would be sufficient... Finally, the general rule of law is that the greater causes of the Church should be referred to the See of Peter." 68. Although SUAREZ (I.c.) concludes, after the aforementioned opinions, which are in favor of the affirmative, with other Doctors: "Therefore, there is a third and common opinion of theologians that absolutely denies that the law of Christ can be dispensed with, even by the Pontiff," and he denies the examples that are presented by the supporters of the former opinions, namely, the dispensation in oaths, vows, and a valid marriage, to favor their opinion, "because in these cases, no divine law is relaxed, but rather the matter of it is removed" (I.c., n. 20); nevertheless, so that the question may not be about the name rather than the thing, in the solution of marriage, if there is not properly a dispensation, there is certainly, as we have seen, some relaxation of the evangelical law. 69. It does not present a difficulty that SUAREZ places the solution of a valid and unconsummated marriage and the solution of vows, from which even Bishops can dispense according to ordinary law, in the same category; for there is a great difference between the two solutions: although, as we have seen, in both cases there is...

[*Latin ed. p. 675*]

Appendix 65 II 7. The abrogation of a marriage, while in the solution of vows, abrogates the marriage according to the law of vows; on the contrary, in the solution of a marriage, the marriage is abrogated, but contrary to the law of the indissolubility of marriage; therefore, that the abrogation of a marriage may be legitimate, it is required that, for that particular case, the universal law of the indissolubility of marriage be relaxed, either by Christ, who instituted it and so solemnly proclaimed it, "What therefore God hath joined together, let not man put asunder" (Matthew 19:6), or by His Vicar.

70. Furthermore, the solution of private vows (i), about which alone we can speak here, concerns an internal act and one that is very frequent in practice: hence, that the good of souls may be provided for, the power to dispense with them, and indeed by ordinary right, belongs not only to Bishops, but also to all other subordinate prelates who have jurisdiction in the external forum, and by privilege to regular confessors, etc.; on the contrary, the solution of a marriage concerns an external act, by which people are constituted in a particular state within the very society of the Church, whose governance, therefore, depends on him who is the head of the society.

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71. But here we are dealing with a question not merely canonical, but one that pertains to revelation; for it concerns the power to dissolve a marriage which is indissoluble by divine law. In such matters, tradition, and especially the consensus of Doctors, must be carefully considered.

72. Indeed, all Doctors who have had the opportunity to speak about the power of Bishops in this matter, all agree in asserting that Bishops do not in any way possess this power.

73. It is true that some of these have attributed this power, at least probably, to a reservation, either expressed or tacit, of the Roman Pontiffs, as MENDO and (i) Vows are called private in opposition to public vows, i.e., vows accepted by the Church, "which is accustomed to accept solemn vows, or vows without an invalidating effect, and then the vows are called solemn, or if without an invalidating effect, they are called simple" (Constitution of Leo XIII, Conditae, sixth of December, Moral Theology, ed. III, p. 86, 1896; cf. our Manual of Theology).

[*Latin ed. p. 676*]

Appendix 676 II. BAUNIUS (I. C.), to whose opinion SCHERER (I. c.) seems to adhere, writes: "After a century of Church practice, it can scarcely be doubted that the right to dispense a valid but unconsummated marriage is reserved to the Roman Pontiff"; but generally, the Doctors repeat this defect, because this power intrinsically belongs to the Supreme Pontiff. Thus, as we have seen, SUAREZ (I. c.); and so also SÁNCHEZ (Matrim., book 2, disputation 12, I. c.) resolves the difficulty arising from the power of Bishops: "In argument 8, the conclusion is denied, because while the Doctors say that a Bishop can do whatever the Pope can do in his diocese, such difficult matters must be excepted, concerning which there is reason to doubt the Pope's power; for it would be most improper for the most serious matters to be reserved to the Supreme Vicar of Christ, it must be considered that Christ has reserved them." Thus also BONACINA (in the place cited above) responds to the same difficulty: "I answer by denying the consequence, for it is false that a Bishop can simply do whatever the Pope can do in his diocese; for it is certain that a Bishop cannot perform those things which are reserved to him, or concerning which it is doubted whether the Pope's power extends, as SÁNCHEZ says, disputation 14, to the eighth argument." Thus also FAGNANUS (chapter *Perniciosam*, on the Office of Judgment of Orders, n. 61). Thus also L A CROIX (in the place cited above), after having said that MENDO and BAUNIUS had considered it probable that Bishops, by the force of their own office, possessed the power to dispense a marriage validly, unless the Pope had reserved it to himself, he says: "But this is not generally admitted by others." And from the more recent Doctors, WERNZ, after observing that Bishops "from the time of MARTIN V... were not considered to have an ordinary power (to dispense) based on any legal text," adds: "For they do not have all power in

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their dioceses except for those things which have not been expressly denied to them." (Followed by) B. Melata.

[*Latin ed. p. 677*]

ADDRESS OF THE ROMAN PONTIFF

Which Pope Pius X gave on the occasion of the XVI International Eucharistic Congress concerning the salutary effects of the Eucharist.

After raising a hymn of praise and thanksgiving to Jesus the Redeemer in the Eucharist, I feel the need to thank the President of the Permanent Committee of the Eucharistic Congresses, as well as those Eminences who Cardinals who participated in this Congress, all the venerable Prelates who made it more solemn with their presence; the distinguished speakers, and all the congress participants, imploring upon them all the blessings of Heaven. I feel the need to thank my beloved children of Italy, who, taking advantage of this solemn occasion, came from all the dioceses to Rome to pay homage to the Chair of Peter and to unite themselves with the children of the whole world and in the name of Jesus in the Sacrament: may God reward and bless them.

We must all, my beloved children, join ourselves at the foot of the altar, for there our redemption is accomplished. There, the soul, drawn from innocence to sin, returns to obedience, to the most perfect union with God, and, ceasing that unfaithful, ungrateful separation, returns to the governance of His providence. There, we hear the words of redemption from our loving Redeemer, poor through love, rich in all virtues, so as to be approachable to all; who, after having led a holy, immaculate life, after having preached His doctrines, immolated His life on the tree of the Cross to bring redemption and salvation to all, leaving the means necessary to regain the lost innocence. Where can we better attain the goal of redemption if not in the divine Sacrament of the Eucharist? We see, alas, that so many have only the baptism of Christians received in childhood, and for the rest, they walk...

[*Latin ed. p. 678*]

678 Discourse on the Path of Perdition. Only through penance, and the confession of our miseries to the priest, will we find the remission of sin. We must be vigilant against all the enemies that surround us, and we must always be fearful of falling again into that mire which, alas, has stained us. In the divine Sacrament of the Eucharist, we find all that is necessary to regain lost innocence. For God is goodness and charity by essence; he who approaches the Eucharistic altar feels his heart filled with love, and feels himself above all earthly things. Yes, my dearest ones, the divine Sacrament of the Eucharist assures us of eternal life and makes us certain of victori-

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ously combating all enemies. How praiseworthy, then, how worthy of being recommended to all, is it to approach frequently the Eucharistic Sacrament, to honor Jesus in the Sacrament, and to strive in every way that this treasure of divine goodness which Jesus has wished to leave us should not be lost? Therefore, I repeat, my dearest ones, the words which I addressed this morning to the Committee: I pray and implore you all, to encourage the faithful to approach the divine Sacrament. And especially I address myself to you, my beloved sons, priests, so that Jesus, the greatest of the treasures of Paradise, the greatest of the benefits which the desolate human race has received, should not be so vilely, so ingratiously abandoned. We must strive, as far as is possible in our poverty and our misery, to demonstrate to Jesus Christ our gratitude, our recognition; and then the heavens will open above us, and the chosen graces will descend, the divine mercies will descend, peace, charity, and universal good. And we will sing on earth the praises of that divine Providence, in whose name, with a heartfelt effusion, I impart the Apostolic blessing to all present, to their families, to their loved ones, to their works, according to their intentions.

PIUS PP. X.

[*Latin ed. p. 679*]

By the Motu Proprio 679, We earnestly exhort all families of the Ursulines to join together, with the addition of a plenary indulgence, for the greater unity of the entire Order. It has always been the desire of the Apostolic See, as it was of Our Predecessor, Pope Pius X, that religious institutions, especially those dedicated to the education of youth, should strive to adapt themselves appropriately to changing times and circumstances, while maintaining the integrity of their spirit. And if this was fitting at any time, the present age clearly demonstrates that it is now necessary. Therefore, since Our Predecessor, the late Pope Leo XIII, having observed and considered that the Order of the Ursulines, to which is due the highest praise for having undertaken the noble task of educating young girls, was not fully responding to the new needs of the times, especially because the monasteries, being each under its own jurisdiction, were not able to assist and support each other, nor to spur each other on to greater and better things through mutual emulation; he deemed it fitting and salutary to provide remedies for this situation. Indeed, on July 21, 1899, he ordered that all Ursuline houses, wherever they may be located throughout the world, be consulted by letter to determine whether they would willingly join an institute encompassing all houses and having its principal seat in the City, should such an institute be established by the authority of the Holy See. And since more than sixty of them responded that they would gladly do so, the same Pope, first by a living voice, as it were, on November 28, 1900, and subsequently by a decree issued by the Sacred Congregation of Bish-

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ops and Regular Canons on July 17, 1903, approved the aforementioned Union. As for Us, from the very beginning of Our pontificate, We have been concerned with the Constitutions of this Institute, also by decree from the Sacred Congregation.

[*Latin ed. p. 680*]

By a Motu Proprio of the Congregation of Bishops and Regular Canons, dated September 14, 1903, We have approved; and We have not neglected any particular opportunity to demonstrate Our benevolence, joyfully uniting more and more houses to it. Now, having ourselves observed the abundant fruits that the union of the Ursulines has produced, and foreseeing even greater fruits that it will bring forth in the future, We not only fully approve and confirm this happily begun union, but also the Constitutions given to this Institute, with Our authority, adding to them the strength of perpetual and inviolable Apostolic firmness. Furthermore, desiring to increase this Institute of the Ursulines with special favors, We grant, from this day forward, to all and each members of this Institute, on the anniversary of the day on which the union of the Ursulines was approved by the Apostolic See, namely, on November 28th, a plenary indulgence for all their sins, and We remit them mercifully in the Lord. We also grant that this indulgence may be applied to the souls of the faithful detained in Purgatory, as a suffrage. From these things, it is clearly evident how much We desire that this Institute, so auspiciously begun, may grow ever greater in number, and may spread more widely. Therefore, We earnestly exhort those families who are still outside the Institute, to wish to join it. And We do not doubt that Our Venerable Brothers, the Bishops, in whose dioceses such houses of the Ursulines exist, will not only encourage them, but will also gently persuade those who may be hesitant, to join this desired association, being fully convinced that the Constitutions of this Institute are so arranged that they are perfectly suited to the customs and character of any nation. We wish that these present Letters be sent to each of the Bishops mentioned above, and that they take care to have them translated into their own language.

[*Latin ed. p. 681*]

By a Motu Proprio, translated word for word into the vernacular, which shall be read in every house of the Ursulines, in a special assembly convened for this purpose. We decree this for the greater good and advancement of the Institute of the Ursulines, notwithstanding any contrary provisions. Given in Rome, at St. Peter's, on the 8th of May, in the year 1905, in the second year of Our Pontificate. PIUS PP. X.

BY A MOTU PROPRIO, concerning the granting to Cardinals, whether holding the presbyteral or diaconal order, who are not marked with the episcopal character, the use of the pectoral cross (i).

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PIUS PP. X. The pectoral cross, which is a particular emblem of the episcopal dignity, is not, however, so exclusively the property of Bishops that no Prelate may legitimately use and wear it; for it is well known that the Holy See has, at various times, granted it to certain members of the secular and regular clergy, with appropriate precautions and with more or less extensive restrictions.

This is admitted and confirmed by Our Motu Proprio of February 21st of the current year, by which We grant to Apostolic Protonotaries, among those participating, as well as to Supernumeraries and those who are commonly called to participate, who enter and leave the church for the purpose of celebrating pontifical functions, the right to wear the pectoral cross in such a manner that it is openly displayed.

Now, considering that the Cardinals of the Holy Roman Church, according to the sentiments of the Supreme Pontiffs and Our Predecessors, "are the principal members of the Pope; they represent the ministers of Christ; they assist the Vicar of God as counselors and helpers of the Catholic world; they are made of the whole world; they are called to the Apostolic College, and are like kings in their regions, and are rightly called Cardinals, to whom the door of the Church is entrusted, and who must remain firm and steadfast"; and considering that it is most fitting and proper that they, in the use of sacred insignia or emblems, should not appear in any way to be inferior to any other Prelate;

Therefore, since the right to publicly and privately wear the pectoral cross is granted to all Bishops, and, especially for solemn liturgical functions, to certain other secular and regular Prelates: so that the sublime dignity of the Cardinals may be publicly and privately manifested, We hereby decree and order the following:

(i) The full Latin text: "Crux pectoralis, quamvis sit particulare signum episcopalis dignitatis, tamen Episcoporum ita propria non est, ut nemo Praelatus ea legitime usus sit et utatur; constat enim inter omnes, eam nonnullis cleri saecularis et regularis dignitatibus, diversis temporibus, opportunis cum cautelis ac cum plus minusve amplis restrictionibus, S. Sedem concessisse. Quod admittitur et confirmatur a Nostro Motu Proprio 21 Februarii vertentis anni, quoconces - simus Protonotariis Apostolicis de numero participantium, necnonSupranume - rariis et iis qui ad instar participantium nuncupari solent, ad ecclesiam acce dentés pontificalia celebraturi ab eaque recedentes, Crucem pectoralem ferre eo modo , quo illic aperte exponitur."

[*Latin ed. p. 682*]

Motu Proprio 682: This document must not be used, nor legitimately used, by any other Prelate; for it is well known to all that, in various epochs, it was granted by the Holy See to several dignitaries of the secular and regular clergy, with appropriate precautions and restrictions, and with varying

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degrees of latitude. This is seen to be admitted and confirmed by Our Motu Proprio of February 21st of the current year, by which We granted that Apostolic Protonotaries, as well as those who are supernumerary and those who, in their stead, are accustomed to attend, when entering and leaving the Church to celebrate pontifical functions, may wear the pectoral cross in the form expressly mentioned therein (1).

Now, considering that the Cardinals of the Holy Roman Church, according to the decrees employed by the Supreme Pontiffs, Our Predecessors, "are the principal members of the person of the Pope; they represent the Apostles when Christ was their minister; they assist the Vicar of God as counselors and assistants in the government of the Catholic world; called to the Apostolic College, they become judges of the whole earth; they are like kings, and rightly they are called true cardinals, upon whom the door of the Church must turn, and that the dignity of the Holy College, especially in its distinguished episcopal members, may appear more and more honored; We grant to all Cardinals present and future, of the presbyteral and diaconal orders, who are not bishops, perpetually and without any restriction, that they may publicly and privately adorn themselves with the pectoral cross; We also will and command that there be no distinction between Cardinals bearing the episcopal character and those not bearing it, so that all may be granted and all must bear said pectoral cross, even in the presence of the Roman Pontiff; and from this day forward, the right to wear the pectoral cross shall be the proper right of Cardinals who are not bishops, and not of all bishops of the world.

We declare any exception or restriction whatsoever contrary to this to be null and void, and We decree that what is contained in this Our Motu Proprio must be held stable and firm. Given at Rome, from the Vatican, this day, May 24th, 1905, on the feast of the Blessed Virgin Mary, Help of Christians, in the second year of Our Pontificate (N. (1) Art. 7, 26, 47. - Cf. Acta S. Sedis, vol. 37, page 491. R.).

[*Latin ed. p. 683*]

We believe it to be highly and entirely fitting that, in the use of sacred insignia or emblems, no Prelate, inferior to them, should be or appear in any way to be second to them. — And, consequently, since the right to publicly and privately bear the pectoral cross is recognized in all Bishops, and, for solemn sacred functions in particular, in not a few other Prelates, both secular and regular: in order that the sublime dignity of the Cardinalate may be made more honorable, both publicly and privately, even among the members of the Holy College who do not have the episcopal consecration; We grant, to all Cardinals present and future of the priestly and diaconal orders, who are not consecrated Bishops, the power, perpetually and without any limitation whatsoever, to adorn themselves, publicly and privately, with the pectoral cross; and We will and order that there should

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be no distinction in this matter between Cardinals who have and who do not have the episcopal character; so that it may be granted to all, and all should bear said pectoral cross, even in the presence of the Roman Pontiff; and, from this day forward, the right to adorn themselves with it shall be no less proper to Cardinals who are not invested with the episcopal character, than to the others, and to the Bishops of the whole world. — We declare any exception or restriction to the contrary to be null and void, and We decree that what is contained in this Our Motu Proprio should always be considered stable and firm. Given in Rome, from the Apostolic Palace of the Vatican, this day, the 24th of May, 1905, the feast of the Blessed Virgin Mary, Help of Christians, in the second year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 684*]

From the Secretariat of Briefs.

A plenary indulgence is granted to those who visit the churches of the Carmelites on the feast of St. Francis.

PIUS PP. X.

FOR THE PERPETUAL REMEMBRANCE THEREOF.

Moved by pious charity, and intent on increasing the faith of the faithful and the salvation of souls through the heavenly treasures of the Church, We, with paternal concern, grant to all Christian faithful, of both sexes, who are truly penitent and have confessed their sins and received Holy Communion, that if they devoutly visit any church or public chapel of the Brothers of the Most Holy Virgin of Mount Carmel, of either the First Order or the Discalced, on the feast of St. Francis of Carmel, from the first vespers until sunset on that day, and there offer pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We mercifully grant them, in the Lord, a plenary remission of all their sins, which may also be applied for the souls of the faithful detained in Purgatory, as a form of suffrage.

Notwithstanding any contrary provisions.

These present documents shall remain perpetually in force.

Furthermore, We decree that the same faith shall be given to copies or printed exemplars of these present letters, as if the original documents were exhibited or shown, provided that they are signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office.

Given at Rome, near St. Peter, under the Fisherman's ring, on this eleventh day of February, in the year 1905, in the second year of Our

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Pontificate.

[Signature]

For His Eminence, Cardinal Macchi,

Nicolaus Marini, Substitute.

[*Latin ed. p. 685*]

ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR ORDERS.

Tertiary Regulars, who outwardly bear some distinctive mark of the Order, are to be aggregated to the Order of Minor Observances.

Most Holy Father, having greatly increased in number both men and women living in community and taking simple vows, who deserve the highest praise for their example and their works in the cause of the Catholic faith, the Apostolic See, through a Decree of the Sacred Congregation for Indulgences and Relics, dated August 28, in the year 1903, has decreed universally that the churches of such Tertiary Orders shall enjoy "the same Indulgences as the churches of the respective First and Second Orders," provided that these are legitimately aggregated to the Orders from which they derive their name and habit.

Nevertheless, this general sanction, granted by the benevolence of the Apostolic See, has given rise to many doubts among the Brothers and Sisters of the Regular Third Order of the Most Holy Father Francis, which prevent the members of this Seraphic Institute from peacefully obtaining this grace. For not all Congregations retain the natural color of wool, either black or tawny, which in Italian is called "marrone," in their own habits, as the Brothers of the Order of Minor Observances do, according to number 107 of the General Constitutions, which are strengthened by Apostolic authority; nor do all houses of the Regular Tertiary Order have a church properly so called attached to them, but rather a chapel or small oratory, which is not always open to the faithful, and often lacks the necessary provisions for the preservation of the Most Holy Eucharist.

(i) Cf. Acta S. Sedis, vol. 36, p. 577.

[*Latin ed. p. 686*]

Ex 686. S. C. Episcoporum et Regularium. Veras perplexitates, sane, videntur, si attendatur: 1°. Decretum Sacrae Congregationis, consultationibus Episcoporum et Regularium praepositae, die 18 Martii anno 1904 datum, quo Monialibus Tertiariis ad Ordinem Sanctissimae Trinitatis de Redemptione Captivorum pertinentibus iniunctum esse dicitur in approbandis earum Constitutionibus, ut colorem habitus in Ordine ipso SSmae Trinitatis consuetum, qui albus est cum Scapulari cruce rubea ac caerulea insignito, Sorores acciperent loco habitus caeruleo in integrum colore, quem hucusque retinuerant; et quo, ad effectum Indulgentiarum

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primi Ordinis assequendarum, permittitur quidem eisdem Sororibus, ut habitum eousque colorem retineant, ne habitus primi Ordinis intuentium oculos percellat, sed sub promissione quod Moniales interius tunicam albam cum Scapulari Ordinis perpetuum gerant. 2°. Decretum Sacrae Congregationis Indulgentiarum, diei 22 Augusti anno 1842 in Verdunen evulgatum, quo declaratur ad implendam ecclesiae vel Oratorii publici visitationem, in Rescriptis Indulgentiarum requisitam, minime censendum esse publicum Oratorium sive in Monasteriis, sive in Seminariis aut aliis Conventibus canonice dedicatum, ad quod tamen Christiana plebs non soleat accedere. Itaque hodiernus Procurator Generalis, Supremi Fratrum Minorum Moderatoris iussu, ne tot Regulares Tertii Ordinis Fratres ac Sorores, qui bonum Christi odorem verbo et exemplo ubique diffundunt, prohibeantur primo ac secundo Fratrum Minorum ascribi et inde tot Indulgentiarum lucro potiri; enixe Sanctitatem Tuam rogat, ut in favorem Sodalium Tertio Ordini S. Francisci Regulari adscriptorum viventiumque sub regulis saltem ab Ordinario loci approbatis, qui Fratrum Minorum Ordini petant accenseri, sequentia opportune Indulta dignetur elargiri: (1) Cfr. Acta S. Sedis, vol. 36, p. 606.

[*Latin ed. p. 687*]

From the Sacred Congregation of Bishops and Regular Canons, 687 I. That Brothers and Sisters of the Third Regular Order, although they do not adopt the color of habit prescribed for the Order of the Friars Minor in the aforementioned regulations, may be aggregated to that Order; this also considering that the Brothers of the aforementioned Order, before the General Constitutions approved by the Apostolic See in the year 1897, did not have a proper color that they officially called their own, but rather different Provinces retained different colors; and that many institutions of the Third Order, both of Brothers and of Sisters, before that year, 1897, were approved by the Apostolic See or by the local Ordinary with their Constitutions, in which a different color is found than that now customary in the Order of the Friars Minor, with a special form prescribed, which can now, without the admiration of those observing and the arising of disputes among different institutions, be changed no further. II. That the aggregations hitherto made of members of this kind of Third Regular Order, insofar as it is necessary, be healed in their root, so that the condition of wearing the color of the habit internally is imposed upon them; as indeed, many groups of the Franciscan Third Order, empowered by Constitutions with Apostolic force, are already attached to the Order of the Friars Minor, and it was never prescribed for them to wear the color of the habit internally. III. That, in the absence of a church or public oratory attached to the houses of the Third Order, the faithful may, in the meantime, gain the Indulgences granted to the churches and public oratories of the First and Second Orders of the Friars Minor, in the internal and principal oratory of their own houses,

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although the Most Holy Sacrament of the Eucharist is not reserved there; this being especially considered because oratories of this kind, by the Decree of the Sacred Congregation of Rites concerning semi-public oratories, dated January 23, 1899, under number 4007, in the most recent collection: "although they are erected in a place which is in some way private or not absolutely public by the authority of the Ordinary," (1) Cf. Acta S. Sedis, vol. 3 i, p. 412.

[*Latin ed. p. 688*]

From the Sacred Congregation of Bishops and Regular Canons, 688, concerning semi-public institutions, in which "all those to whom the same rule applies are able to fulfill the precept of hearing the Divine Office," and to receive the Sacraments. And God, etc. By virtue of special faculties granted by the Most Holy Lord, the Sacred Congregation of Extraordinary Affairs and Regular Canons of the Holy Roman Church, entrusted with the affairs and consultations of Bishops and Regular Canons, having considered the aforementioned matters, benignly ordered the Father General of the Order of the Ministers to, as far as necessary, grant the requested aggregation, after a prior, if required, remedy, for the good of the Order, and with the condition that members of both sexes of the Congregations to be aggregated in the future should bear some distinctive mark of the Order externally. Regarding the third request, the same Sacred Congregation ordered that it be written to: "Refer the matter to the Sacred Congregation of Indulgences (i)." In spite of any contrary opinions. Rome, January 30, 1905. L. "f" S. D. Cardinal FERRATA, Prefect. Philippus Giustini, Secretary. OF THE MISSIONARIES OF THE IMMACULATE HEART OF THE BLESSED VIRGIN MARY. Concerning the election of the General Superior, in an extraordinary Chapter, as well as a Provincial Consultor and other Superiors. Most Blessed Father, the General Moderator of the Congregation of the Missionaries of the Immaculate Heart of the Blessed Virgin Mary, humbly prostrates himself before Your Holiness, and explains as follows: I. In the Constitutions, chapter III, number 6, the following is stated: "The election of the General Superior shall take place in the General Chapter by a plurality of votes, not relative, but absolute: (i) Cf. Acta S. Sedis, vol. Sj, p. 721.

[*Latin ed. p. 689*]

From the Sacred Congregation of Bishops and Regular Canons, paragraph 689: "A General Chapter shall also be convened every twelve years." Then, in chapter XII, paragraph 37, concerning the same General Chapters, it is stated: "They shall be held every twelve years, convened by the Superior General at a time and place which he deems most suitable." In paragraph 39 of the same chapter: "A General Chapter, besides the times mentioned, shall be held... when a new Superior General must be elected

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due to the death or removal of the previous one, who has died or been removed before the twelve years from the election have elapsed." From these passages, a doubt arises: Is a Chapter convened for the election of a new Superior General, due to the death or removal of the predecessor, who died or was removed before the twelve years from the election had elapsed, to be considered an ordinary Chapter, in which, therefore, General Councillors, Minister, and Procurator, and indeed also the General Secretary, must be elected; or rather, is it an extraordinary Chapter, and therefore is only the Superior General to be elected in it, until the next ordinary General Chapter, in which the Superior General, his Councillors, Secretary, Minister, and Procurator General will be elected?

II. Chapter V, paragraph 19, concerning the General Consultors, states: "Any deficiency among the Consultors must be filled by another, elected by the Director and the other Consultors; the same is to be observed proportionally in the case of the deficiency of other Superiors or Consultors." From this passage, the following difficulty arises: Does the election to fill the vacancy of a Provincial Consultor belong to the General Director with his Councillors; or to the Provincial Superior with another Provincial Consultor? For, according to our Constitutions, the Provincial Superior should have only two Provincial Councillors?

III. Among the duties assigned to the Superior General in chapter III, paragraph 8 of our Constitutions, it is also stated: "He shall have great concern for all matters pertaining to the admission of houses and colleges, and to the good of the Congregation." Therefore, the question arises: Is it the duty of the Superior General to nominate or elect, for the first time, the Superiors and Con-

[*Latin ed. p. 690*]

From the Sacred Congregation for Bishops and Regular Canons: Concerning the erection of new Colleges, Houses, and Residences; or, whether the election of the Superior Provincial, along with his Council, in whose Province the College, House, or Residence is established, should take place. The Sacred Congregation of Eminent and Reverend Cardinals, entrusted with the affairs and consultations of Bishops and Regular Canons of the Holy Roman Church, having considered all matters pertaining to the case, has decided as follows:

I. Negatively, to the first part; affirmatively, to the second (i).

II. Affirmatively, to the first part; negatively, to the second.

III. Affirmatively, to the first part; negatively, to the second.

Rome, 5th of May, 1905.

D. Card. FERRATA, Prefect.

L. "f* S. Philippus Giustini, Secretary.

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TRANSLATION OF THE CONFRATERNITY:

It is decreed that the confraternity of the Blessed Virgin Mary of Mount Carmel be transferred from the collegiate church to the church of the Discalced Carmelites, with the right of the Discalced Fathers to erect another confraternity in their own church being preserved.

Specific Case:

In the year 1806, the Discalced Carmelites established the erection of the confraternity of the Blessed Virgin Mary of Mount Carmel (i).

The General Chapter in this case is understood to be extraordinary, such as those mentioned in article 206, or the Norms for approving new institutes of simple vows, recently published by the Sacred Congregation for Religious, and elected on June 28, 1901, and who remain in their office.

The Superior can truly act as General only for the remaining time, together with the same Councilors and other General Ministers, who have acquired this right in a previous ordinary Chapter, and who cannot be legitimately deprived of it except by resignation or by canonical deposition (N.R.).

[*Latin ed. p. 691*]

In Meliten, the year 691, a collegiate church was established in the city of Birchircara, within the diocese of Melitensis, but with the condition that the confraternity should not, in any way, oppose the foundation of a new religious house there, under penalty of the erection being null and void from the very beginning; furthermore, the confraternity was to be transferred, along with all its goods, to the church of that new religious house, either there or within three Roman miles. Indeed, in the year 1892, the Carmelites built a monastery in the town of St. Julian, less than three Roman miles from Birchircara, but they never demanded the transfer of the confraternity. Meanwhile, four years later, the Discalced Carmelites erected a monastery in Birchircara itself, and in the year 1899, they requested that the aforementioned confraternity be transferred to their own church by the Bishop; however, both the collegiate chapter and the Discalced Carmelites opposed this. This controversy was initially brought before the Sacred Congregation for Indulgences, which subsequently referred it to the Sacred Congregation for the Eastern Churches and Regular Canons for resolution. The reasons of the Discalced Fathers. The Carmelites of the old Observance claim the right to transfer the confraternity of the Blessed Virgin Mary of Mount Carmel to their own church, arguing that the condition stipulated in the document of erection has been fulfilled, namely, that: "the confraternity... in no way... should oppose the foundation of a new religious house..., otherwise it will be considered void and the erection itself will be null...; but it must be immediately transferred to the church, newly acquired by the Religious Order, along with all its movable and immovable goods...." They support

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this with a special agreement of the year 1616, entered into between themselves and the Theatines, according to which: "where the Fathers of Carmel (namely, the Discalced) already have an established confraternity, the Discalced may grant the scapular to those who request it, and admit members in such a way that, by that very act, they are considered and are members of the confraternity of the Fathers of Carmel..."; and vice versa. From this, they conclude that the confraternities established by the Discalced do not impede the establishment of a monastery by the Discalced in the same places, but also that the confraternities are new.

[*Latin ed. p. 692*]

692 From the Sacred Congregation of Bishops and Regulars, it is not to be altered in any way. And they conclude that in this case, rule 25 of the law in section 6 does not apply: "delay is harmful to everyone," but rather rule 54 in section 6: "he who is first in time is stronger in right"; all the more so, because they have always declared that they do not wish to relinquish this right whenever the opportunity arises. The chapter of the collegiate church, for its part, believes that the existing confraternity should remain within the collegiate church, and that another confraternity of the same name should be established by the Discalced Fathers in their own church, since the city of Birkhara, due to its size, can freely accommodate both. Furthermore, it adds that the transfer of the confraternity to the church of the Theresians would be detrimental to the spiritual welfare of the faithful, due to the church's narrowness and its distance from the collegiate church. The reasons of the Discalced Fathers. The Theresians, on the contrary, maintain that the confraternity of the Carmel should be transferred to their own church, according to the terms of the decree of erection granted by the Calced Fathers, since both Observances constitute a single Religious Order; and they confirm this with the decree of the Sacred Congregation of Indulgences in Gaditana, September 20, 1760, no. 208 (1). As for the right of precedence, they cite the aforementioned agreement of 1616 concerning confraternities established within the houses of the Carmelites, as is evident from the following paragraph: "If confraternities are established in the houses of the Discalced Fathers and they do not wish to celebrate solemn processions, the Carmelites may celebrate them." And vice versa. The occasion for this agreement was the Constitution Quaecumque of Clement VIII, which forbade the establishment of two confraternities of the same name and institute in the same place. Therefore, the assertion of the Calced Fathers cannot be upheld, otherwise the purpose of said agreement would have been the violation of the rights of the Order. Furthermore, the Discalced Fathers argue that the confraternity of the Carmel is not to be transferred to the church of the Calced Fathers, because the town of St. Julian has its own name, territory, and parish.

(1) Cf. Authentic decrees of the Sacred Congregation of Indulgences,

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Pustet, 1885 (N. R.).

[*Latin ed. p. 693*]

Meliten. 6q3 ciam. Nam clausula "quod si Ordo noster in illis locis vel in aliis ad tria milliaria propinquis aliquam ecclesiam vel Conventum fundaverit, ad praedictam ecclesiam, erectam confraternitatem transferri debere," tunc temporis, quando nempe in confraternitatum erectione adhuc vigebat lex distantiae, ideo in diplomatum concessione adiiciebatur, quia si Carmelitani novum monasterium in loco vel intra tria milliaria fundassent, iure ac privilegio confraternitatis Carminis non privarentur. Sed postquam Sancta Sedes per decreta Sacrae Congregationis Indulgentiarum in Lauden. 31 Ian. 1893 ad 4, et in una Ordinis Praedicatorum 20 Maii 1896 ad 3 statuerit plures sodalitates eiusdem generis, nulla habita ratione distantiae, institui posse in unoquoque loco, distincto tamen ratione nominis, territorii et paroeciae, consequenter etiam dicta clausula temperari debuit per suppressionem verborum: "vel in aliis ad tria milliaria propinquis locis." Quum igitur oppidum S. Iuliani possideat proprium nomen, territorium et paroeciam, potius quam illuc transferatur confraternitas Birchircarae erecta, alia nova institui valet, eo magis quod bona confraternitatis absque beneplacito Apostolico separari aut alienari nequeunt. Episcopus Melitensis favorabilem se praebet Theresianis, et nullo fundamento niti rationes Capituli affirmât, sive quia uterque Carmelitarum Ordo iisdem iuribus gaudet, sive quia in uno eodemque loco duae confraternitates eiusdem nominis fundari vetantur, sive demum quia Ecclesia Excalceatorum videtur sufficiens pro consociatis et non ultra dimidium milliarium a Collegiata distat. Dubia. I. La Confraternita di N. S. del Carmine, eretta nella chiesa parrocchiale di Birchircara, deve rimanere in statu quo? II. Debe essere trasferita nella chiesa dei Teresiani di Birchircara, 0 piuttosto nella chiesa dei Carmelitani di S. Giuliano? (i) Cfr. Acta S. Sedis, vol. 25, pag. 5 o q - 5 ii, et vol. 28, pag. 751. (N, RJ. Acta S. Sedis, Vol. XXXVII, fase. il. 44

The clause "that if our Order should found a church or convent in those places, or in others within three miles, the erected confraternity should be transferred to the aforementioned church," was added to the grant at that time, when the law of distance was still in force regarding the erection of confraternities, so that if the Carmelites should found a new monastery in a place or within three miles, they would not be deprived of the rights and privileges of the confraternity of the Carmel. But after the Holy See, through decrees of the Sacred Congregation of Indulgences in Lauden. 31 January 1893, number 4, and of the Order of Preachers, 20 May 1896, number 3, had decreed that several confraternities of the same kind could be established in each place, without regard for distance, it was necessary to temper this clause by suppressing the words: "or in other places within three miles." Since the town of St. Julian possesses its own name, territory, and parish, rather than transferring the confraternity erected in Birchircara,

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a new one can be established there, all the more so because the assets of the confraternity cannot be separated or alienated without Apostolic approval. The Bishop of Meliten is favorable to the Teresians, and the reasons given by the Chapter are without foundation, whether because both Orders of Carmelites enjoy the same rights, or because two confraternities of the same name are forbidden to be founded in the same place, or finally because the church of Excalceator seems sufficient for the members and is not more than half a mile from the collegiate church. Doubts. I. Must the confraternity of Our Lady of the Carmel, erected in the parish church of Birchircara, remain in its present state? II. Should it be transferred to the church of the Teresians in Birchircara, or rather to the church of the Carmelites in St. Julian? (i) See Acta S. Sedis, vol. 25, page 5 or q - 5 ii, and vol. 28, page 751. (N, RJ. Acta S. Sedis, Vol. XXXVII, fase. il. 44)

[*Latin ed. p. 694*]

From S. C. Episcoporum 694 and Regularium III. Should the confraternity be suppressed, save for the right of both aforementioned Families of the Carmelite Order to erect, in their own churches, new confraternities of the Carmel? (i) Resolution. And the Sacred Congregations of Bishops and Regulars, having diligently considered all matters, on July 29, 1904, decided to respond as follows: To I, II, and III: Considering all things, the confraternity should be transferred from the distinguished collegiate parish church to the church of the Discalced Carmelites, saving the right of the Discalced Fathers to erect a confraternity in their own church. Colliges 0 i. Pope Clement VIII, in the Constitution *Quaecumque*, dated December 7, 1604, decreed that only one confraternity of the same name and institute could be erected in each city, town, or place, at least three Roman miles distant from each other (2). 2. The rigor of Clement's disposition was subsequently tempered, either through particular indulgences (3) or through a general concession, by virtue of which Pope Leo XIII granted permission for more confraternities of the same kind to be established in places simply (1). In Latin: I. Should the confraternity of Our Lady of Mount Carmel, erected in the parish church of Birħircara, remain in its current state? II. Should it be transferred to the church of the Theresians of Birħircara, or rather, to the church of the Carmelites of St. Julian? III. Should it be suppressed, saving the right of each Family of the Carmelite Order to erect new confraternities of the Carmel in their own churches? (N. R.). (2) The distance of three Roman miles, or one league, is equivalent to 4467 meters, according to the decree of the Sacred Congregation of Indulgences in Milan, September 14, 1904, ad t. Cf. Acta S. Sedis, vol. 51, page 394 (N. R.). (3) Thus, through a special privilege, Sodalities of the Most Holy Sacrament and of Christian Doctrine are established in each parish, according to the decrees of the provincial councils in Limoges, August 22, 1847, n. 343 ad 2. Indeed, the Sacred Congregation of Indulgences, 1842, n. 308 ad 3, and in Camerano,

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January 12, established the Sodality of the Daughters of Mary, which can be founded in all places, without regard to distance, according to the decree of the same Sacred Congregation of Urbis et Orbis, August 30, 1866, n. 416. Cf. Decreta authentica S. C. Indulgentiarum, Pustet, 1883 (N. R.).

[*Latin ed. p. 695*]

65. Meliten. Nòu distinctae, dummodo in quoque loco seu oppido habeatur etiam propria paroecia (i). 3°. Ex hodierna disciplina, lex distantiae non est amplius urgenda, sed unice attendendum est quod locus seu oppidum nomine, territorio et paroecia ab aliis discriminetur (2). 4. Consentiente Episcopo, simplex translatio confraternitatis de una ad aliam ecclesiam etiam ab ipsis confratribus regulariter fieri potest (3); suppressio vero, nonnisi ab auctoritate ecclesiastica erectionis decerni valet; quinimo, pro confraternitatis translatione cum omnibus suis bonis, requiritur praeterea beneplacitum Apostolicum. 5°. Quum autem Birchircarae dumtaxat unica extat paroecia, nonnisi una confraternitas eiusdem generis institui potest, ad quam insuper prae Capitulo Collegiali ius habent Carmelitae Discalceati. 6°. Quamvis enim rigore iuris confraternitas in casu transferenda esset in ecclesiam PP. Calceatorum ob clausulam in eiusdem erectione appositam, attamen aequitate suadente, eius translatio decernitur ad ecclesiam PP. Excalceatorum, eo vel magis quod PP. Calceati aliam Carminis confraternitatem in oppido S. Iuliani, tamquam in paroecia suo territorio a Birchircara separata, fundare valent.

(1) Cfr. Decreta S. C. Indulgentiarum in Lauden. 31 Ian. 1893 ad 4, et in una Ordinis Praedicatorum 10 Maii 1896 ad 3, quae respective prostant in Actis S. Sedis, vol. 25, pag. 5 o 9 - 5 n, et vol. 28, pag. 751. Quinimo in citata Ordinis Praedicatorum ad 4, Sanctitas Sua Ordinariis locorum tribuit facultatem plures erigendi confraternitates eiusdem nominis, pro eorum arbitrio et prudentia, in magnis civitatibus, quae unam tantum communitatem constituunt, servata dumtaxat in hisce erectionibus convenienti, eorum iudicio, distantia (N. R.).

(2) Cfr. Wernz (Ius Decret., tom. 3, pag. 59, n. 708 ad 2 et 3). Non sunt proinde audiendi nonnulli moderni auctores, qui docent etiam hodie requiri distantiam trium milliariorum, seu unius circiter leucae, vel unius horae. (N. R.).

(3) Cfr. Bassi (De Sodalitiis, quaest. g), aliique ab eo citati, necnon Ferraris (Bibl. can., v. Confraternitas, art. i, n. 56), Zamboni (Collectio decl. S. C. C, tom. 3, v. Sodalitium), Wernz (Ius Decret., tom. 3, p. 803, n. 716) (N. R.).

[*Latin ed. p. 696*]

From the Sacred Congregation of the Council, 696. From the Lucanian Congregation concerning emoluments. The rights pertaining to the stall belong solely to the parish priest; however, uncertain emoluments also

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pertain to the vice-parish priest. Case in point. In the Lucanian region, there exists a pious work, commonly known as the Royal Hospital and Hospice of Lucca, which is dependent on a secular administration and comprises various hospitals and churches with their own chaplains, all of which are subject to the jurisdiction of the parish church of Saint Lucy within the same institution. In the year 1898, the parish priest, Raphael Ceccarini, appointed the Reverend Paul Fanucchi as his vice-parish priest, who began to claim his right to half of the uncertain parochial emoluments. However, the parish priest resisted, and the matter was referred by the Archbishop to a consultative commission of learned priests, called the Synodical Congregation, which, in fact, in the year 1900, issued an opinion favorable to the vice-parish priest. When the parish priest refused to accept this judgment, the vice-parish priest appealed to the secular administration of the hospital, which, in the year 1901, also ruled in favor of the appellant. Although the Archbishop had warned this administration that the decision of the Synodical Congregation was merely advisory and that the matter was still pending before the Curia, the administration nevertheless notified its decision to the parish priest, who subsequently appealed to the higher provincial commission, commonly known as the Giunta provinciale, and also to the Holy See, against the claims of the vice-parish priest and the opinion of the Synodical Congregation. Meanwhile, the Sacred Congregation, having previously warned the vice-parish priest to consult his conscience regarding his appeal to secular judges and not to rely on the judgment rendered by them, imposed a prohibition on further litigation.

[*Latin ed. p. 697*]

In Lucana, the authorities ordered that messengers be sent to inform the prosecution that the "civil actions and their rights" should be presented before the Lucana Court. However, when the assistant pastor failed to comply with this order, the provincial commission published its judgment, confirming the previous one, which the assistant pastor then communicated to the pastor. Finally, on May 25, 1903, the archdiocesan court issued its judicial sentence, favoring the pastor, stating: "that the pastor of the church of St. Luke... has the right to receive, and to him belong, all emoluments and uncertain revenues dependent on his office as pastor, which he exercises, and which are inherent in that office..." Against this sentence, the assistant pastor appealed to the H. S. C. (Holy See?).

Defense of the pastor. The assistant pastor claims all uncertain revenues and parochial emoluments for himself, based on common law, custom, and reason. Regarding the first point, he cites Leuren, who states: "Oblations belong by common law to the pastor or the priest who is the rector of the church." And all doctors agree with this principle, according to Bouix (De Parocho, part 4, chapter p, § i, question 2). Indeed, this right of the pastor extends even to the case in which he appoints another to exercise

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the pastoral office, according to Bouix (loc. cit.), or when he uses coadjutors or assistant pastors, according to Ojetti (Synopsis, v. Iura stolae). And the reason is that, as Reiffenstuel states (lib. 3, tit. jo, § p, n. i po), "the pastor, as the primary minister of the parochial church, has a well-founded intention in law to receive all oblations that come within the limits of his parish." Furthermore, the rector of the church of St. Luke exercises his jurisdiction and performs all parochial duties as if he were the true pastor, over all those residing in the Institute; in the nomination documents, it is stated "for the exercise of the care of souls of said patients"; in the acts of the Visitation, he is called the pastor, and the church of St. Luke is called a parish, which, although located within the territory of the parish of St. Paul, is exempt from its jurisdiction.

[*Latin ed. p. 698*]

6g8 From the Sacred Congregation, the following pertains to resolving certain difficulties. The first is that this parish lacks a defined territory, contrary to the disposition of the Council of Trent (Session 24, chapter 13 on Reform). The second is that the church lacks a parochial benefice. Finally, the third is that the pastor is not permanent but removable.

Regarding the first point, it is stated that, according to the Glossary (in Clement., Dudum 2, title 9, book 3, ad v. Impendant), which all doctors follow, as can be seen in Bouix (De parocho, part 1, section 2, chapter 10, § 2), the quality of a parish priest arises from the obligation both to administer the sacraments as a parish priest and for the faithful to receive them from him. Furthermore, the designation of the faithful is not solely based on territory, but also on persons or families, as stated by Ursaja (Discept. eccl., vol. 8, part 1, discourse 24), Ferraris (Bibl. can., v. Parochia, n. 47), and others. However, the pastor states that this determination is established by the very Bull of exemption from 1262, with these words: "We receive into our power the aforementioned hospital... together with the entire territory and the entire family..." Therefore, the Council of Trent should be understood to be referring to places where this designation of parishes can be made, and it adds: "(The ordinaries) shall provide in a manner that is more suitable, as the circumstances of the place require."

Furthermore, the establishment of a parish does not require the assignment of a benefice; for a church can be erected into a parish without any benefice being founded for that purpose, as stated by Bouix (loc. cit., part 1, section 3, chapter 3, § 2, proposition 1), Fagnanus (Book 3, chapter "Ad audientiam 3, on churches built, n. 6 and 7). Nor is the perpetuity and immovability of the pastor essential for the establishment of a parish, as taught by Bouix (loc. cit., proposition 2), D'Annibale (Summula, vol. 3, book 2, treatise 2, chapter 3, article 1, n. 40), and Berardi (Examen pro confessionibus et parochis, n. 1459).

But even if all the essential qualities of a true parish priest are not present

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in the pastor of St. Luke, he should at least be considered as a designated representative in the place of a parish priest, as stated regarding priests entrusted with the care of souls in hospitals.

[*Latin ed. p. 699*]

Lucana 699, as Bouix (Appendix 1, chapter 4, questions 1 and 2), Wernz (Ius decret., volume 2, title 39, number 841), and others have stated. The parish priest then argues, based on the principle of custom, that these disputed emoluments have always been received by the parish priests of St. Luke, excluding the vicars, citing twenty-two depositions from trustworthy witnesses, some of whom affirmed their statements under oath, which assert that the disputed emoluments have always been received by the parish priests of St. Luke, excluding the vicars. He also cites other documents taken from a certain book entitled "Bachetta di diversi ricordi per la sagrestia di S. Luca," in which various facts are alleged concerning the aforementioned custom. Therefore, the parish priest can also claim these uncertain emoluments based on the title of a custom that is more than a century old, as stated by Bouix (loc. cit., part 4, chapter 9, section 1). However, when the parish priest has a legally valid intention regarding the parochial emoluments, the custom should rather be proven to the contrary (Subdit). This, however, was not proven by the vicar, either because of the eleven testimonies presented against him, some of which do not mention the uncertain emoluments, while others refer to emoluments that he himself received while serving as a vicar under the parish priest Ragghianti, as a form of remuneration for extraordinary work, and the remaining six are refuted by witnesses already presented by him. Finally, the parish priest argues based on the principle of equity and convenience, stating that his assigned amount is only 802 lire, while that of the vicar amounts to 749 lire, to which must be added 240 lire received from another source.

The vicar's defense. Father Fanucchi entirely refutes the arguments presented by the parish priest. He argues that the established theory, according to which the uncertain emoluments and offerings belong to the parish priest, to the extent that all other priests, even assistant parish priests, are excluded from them, does not correspond to the sanctions of canon law. For, according to Reiffenstuel (Ius can., book 3, title 30, numbers 179 and 194), offerings are given by the faithful either in the church or in the parochial territory for the purpose of being used for the church or for the ministers themselves; therefore, they...

[*Latin ed. p. 700*]

700. From the Sacred Congregation, it is properly not the case that tithes pertain to the parish priest, but only the administration or disbursement thereof, with the intention of the faithful, or according to local custom. Hence, some offerings are reserved for images, the church, etc.; while oth-

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ers are for the parish priest, e.g., for the sacraments, funerals, and other sacred functions. Indeed, these are said to pertain to the parish priest to the extent that, by law, it is presumed that there is only one minister in the parish church; but it would be a different matter if there were several ministers in it, especially a vice-parish priest, because then they too would have to receive a share. The reason is that the emoluments are given as a corresponding stipend for the labor and expense of the care of souls; in which undertaking, the vice-parish priests also participate; therefore, they too should be admitted to this division, as is the custom throughout the diocese. Furthermore, the arch-priest, referring to the custom mentioned above, maintains that the parish priest Ceccarini, while he was a vice-parish priest under the curate Ragghianti, did not receive a certain sum not as a form of compensation, but out of justice, as two witnesses testify, and as also appears from the fact that the parish priest Ragghianti, with the exception of the last months of his life, always diligently devoted himself to his office. Moreover, he rejects or dismisses as suspicious, or uncertain, or at least useless, the contradictory testimonies; while the arguments drawn from the book entitled "Bachetta," etc., he considers inconclusive, because they only show that the parish priests of San Luca received a certain sum, but not that they did not share it with the vice-parish priests. On the contrary, he argues, the witnesses he presents clearly speak of the division of the certain sum; and he enumerates them individually. Therefore, having clearly established the existence of this custom, he requests that it be recognized and sanctioned, because "from beginning to end, in matters of offerings, the legitimate custom of the place must be observed," as taught by Ferraris (Bibl. can., v. Oblationes, n. β), citing Rota (part. j, tom. i, dec. βj, n. iβ Recent), and Barbosa (De parocho, part. β, cap. 24, n. β).

[*Latin ed. p. 701*]

The Congregation for Bishops maintains that the rector of S. Luca is not a true parish priest in the legal sense, but rather a mere delegate for certain parochial functions; firstly, because the exemption of hospitals from the jurisdiction of the parish priest does not equate to the creation of a new parish; and secondly, because it lacks the autonomy and perpetuity required to constitute a true parish priest, since it is appointed by and depends on the director of the hospital and can be removed at his discretion. Doubt. of 2j; Whether the judgment of the archdiocesan court of Lucania of May [year unspecified] should be confirmed or rejected in this case. Resolution. The Sacred Congregation, after mature deliberation, ordered on December 17, 1904, that the following should be written: The judgment must be expressly confirmed with regard to the parochial rights. Collections: 1. All collections made within the boundaries of the parish by the faithful out of religious devotion are, by common law, the property of the parish priest; unless otherwise established by custom or the will of the givers. 2. In

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addition to these spontaneous and free offerings, which the faithful freely make, there are also the so-called obligatory offerings, which the faithful are bound to give to the priests for the sake of the sacred ministry, and which are called parochial emoluments. 3. These emoluments are divided into strictly parochial and broadly parochial. Strictly parochial, or parochial rights, are those that are required for baptisms, announcements of marriage, marriages, burials, and other similar services; and which properly belong only to the parish priest. Broadly parochial, or purely sacerdotal, are those that are given for other sacred functions, e.g., novenas, funerals, etc., and which may also belong to other priests, especially assistant parish priests. 4. The true and proper parish priest is he who, in his own name, exercises care over the souls entrusted to him; therefore, permanence and immovability are not considered essential elements of parochiality.

[*Latin ed. p. 702*]

7. From the Sacred Congregation of Councils, decree 2, paragraph 5: In the case of the rector of the church of Saint Luke, he is to be considered as a parish priest, or at least in the manner of a parish priest; therefore, only he is entitled to the rights of the stall, while the others are uncertain, even the vice-parish priest.

SABINE. REGARDING THE EXPENSES OF REPAIR. The cession of the right to collect tithes in the ecclesiastical court is valid, but it was carried out without the formalities prescribed by civil law. The Chapter of the Cathedral of Sabina held the right to collect tithes over the estate commonly called Montecalvo or Viconovo. After the publication in 1860 of a decree by the dictator Pepoli, the owners of the estate began to challenge this right; therefore, the Chapter repeatedly insisted with these same owners, until in 1885 they obtained some benefit. To avoid the troubles and expenses of a lawsuit in order to defend their rights, they first delegated this matter to Canon Pagani and then to Canon Felli; but since the undertaking was going badly, and Canon Felli declared that he was ready to pursue the lawsuit in his own name, provided that the Chapter ceded its rights to him, a formal resignation was actually made in 1889, with certain conditions agreed upon by both parties, among which: "that the cession should not have effect until, if necessary, the Apostolic approval had been obtained; and that, once the legality and regularity of the cession had been verified, Canon Felli would be obligated in favor of the Chapter..."

The Bishop of Sabina, having obtained Apostolic approval by a rescript from the Most Holy and Religious Fathers and Brothers dated December 6, 1889, by which he was granted the faculty "to provide for the aforementioned matters with the agreements and conditions in all respects according to the requests," issued an executive decree granting the parties the right "to accede to the aforementioned cession of the right to collect tithes... with all the agreements and conditions..." Then, on January 5, 1890, the

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parties entered into an agreement by virtue of which they were obligated: "to accept, observe and ratify all the conditions of the cession..."

[*Latin ed. p. 703*]

"Furthermore, the Reverend Primicerius Felli should continue the legal proceedings concerning the claim for the tithes of Viconovo or Montecalvo on behalf of the aforementioned Chapter, but at his own exclusive expense." Consequently, Reverend Felli initiated legal proceedings first before the Tribunal of Rieti, then before the Court of Appeal of Perugia, and finally before the Supreme Court, commonly known as the Court of Cassation; but he consistently received unfavorable judgments. Meanwhile, the Chapter, knowing full well that, although ostensibly the cause was being pursued in its name, the matter was actually being handled by Felli, repeatedly requested him to issue a written declaration, to be delivered to them, in which it would be clearly stated that he had undertaken the legal action not on behalf of the Chapter, but on his own account. However, he evaded this request with ambiguous language, until he clearly opposed it. Having exhausted all efforts to reach a settlement, the Chapter brought the matter before the Sacred Congregation. The Chapter's Arguments. The Chapter's advocate endeavored to demonstrate that a true, bilateral contract had existed in this case, since on the part of the Chapter, there had been a cession of the right to collect tithes, and on the part of Reverend Felli, an acceptance of the cession, with the specific condition that he would legally claim the right at his own expense; therefore, the decision of the Sacred Rota (Decree 148, no. 6, before Riminaldo) can be applied: "In a correlative contract, it is unjust for one to demand the fulfillment of what was stipulated in his favor, while avoiding what is contrary." Moreover, there is no reason to object to the argument presented by Reverend Felli, that he could not act on behalf of the vindication of the ceded right, because the cession, according to civil laws, was invalid, due to its lack of regularity and legality. The advocate responds that the legality of the cession, apart from the fact that it is subject to the jurisdiction of canon law or, subordinately, to the Apostolic will, without which the alienation of the goods or rights of the Church cannot be regular and legal, could not present an obstacle, as in fact it did not, since, although he ostensibly acted in court as a representative of the Chapter, no mention was ever made of this civil formality, nor in the cession contract itself.

[*Latin ed. p. 704*]

From the deliberations of the Sacred Council, nor in the subsequent papal ratification of the cession, nor did he ever present a document to obtain it, but rather, he imposed certain conditions on the cession for its execution, such as the payment to a third party of the sum which the Chapter owed to him, and he declared himself ready on several occasions to relieve the

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Chapter from the burdens of a certain lawyer who had not yet been paid, and he also paid the tax commonly called "di ricchezza mobile" which was levied on the Chapter's movable property by the law of tenths. Therefore, it is untimely to object to the lack of civil legality in order to avoid damages. Thus, given the validity of the cession in the ecclesiastical forum and in conscience, Canon Felli is the true owner of the right, although, because of the absence of civil formalities, he will not cease to be the Chapter before the civil law; therefore, it follows that he, as the assignee of the litigation, must not only bear all the expenses and damages resulting therefrom, but must also relieve the Chapter from all burdens through a valid document in the form of civil law, in which he declares that the litigation was conducted in his name and that the Chapter was extraneous to it. Allegations of the canon. Canon Felli states that, with respect to the cession of the right of tenths, he first and repeatedly requested the Chapter, as a condition without which there could be no agreement, that the agreement be made through a public act, because without said formality, he could not act as the assignee in order to assert the right of tenths. According to Felli, the Chapter then obligated itself to provide this formality as soon as possible, meanwhile reserving the right to pursue legal action in the name of the Chapter. However, after the civil court issued contradictory judgments, the Chapter repeatedly sought to obtain a valid declaration in the civil forum, but, since he acted as the pure mandatary of the Chapter because the legal cession was not followed, he opposed the alleged declaration. It should be presumed that the Chapter, having never agreed to the stipulated cession through a public act,

[*Latin ed. p. 705*]

Concerning the matter: Having made a promise, he should have withdrawn, and, through the continuation of the mandate, the lord of the cause should have remained. Therefore, since the Chapter is obligated to bear all expenses and the consequences of the judgment, the request made to it is utterly absurd and must be rejected.

Doubt: Whether the priest of Felli is obligated to release the tithe to the Chapter of the Cathedral of Sabina in this case.

And the Sacred Congregation, having maturely considered the matter, on December 17, 1904, decided to respond: "Affirmatively, and furthermore."

Conclusions:

1. A contract is the agreement of two or more parties to enter into or dissolve an obligation.

2. A contract, according to the sacred canons, is valid, even without the formalities prescribed by civil law, and has the force of obligation in the ecclesiastical forum and in conscience.

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3. Civil formalities, which, insofar as possible, should never be omitted, are required only for obtaining civil effects.

4. A contract of cession, since it is a kind of alienation, is governed by the same canonical norms as alienation.

5. The alienation of goods or rights of the Church cannot be done except for a just cause and with the due formalities observed, especially with the obtaining of Apostolic approval.

6. In the matter at hand, the cession of the right to collect the tithe was legal and valid, and therefore, the Chapter of the Cathedral of Sabina acquired the right from that time to receive it, even before the civil law, from all expenses and damages resulting therefrom.

[*Latin ed. p. 706*]

7o6 From the Sacred Congregation of the Council of Signa, it could not be decreed, concerning the common Mass and distribution, a measure affecting the majority of the Chapters. Instances of this. Due to the privilege enjoyed by the Chapter of the Cathedral Church of Signa, as well as under the pretext of illness or other inconveniences, very few canons and beneficed clergy had attended the public supplications of the Greater Litanies. Consequently, in the diocesan synod of 1860, a law was enacted requiring all clergy to attend these processions under a penalty of 150 lire; but this sanction was never applied. In the year 1901, the Chapter further decreed that to each canon attending the aforementioned processions, half a libra, and to each beneficed cleric, 25 centesimi, should be assigned from the common Mass as a reward. This incentive proved effective; however, the beneficed cleric Paschalis Iannucci raised objections to it, and requested its revocation from the Holy Sacred Congregation. Objections of the Beneficed Cleric. The Reverend Iannucci primarily contested the Chapter's decision as being contrary to the aforementioned synodal prescription, founded on the Council of Trent (Session 22, chapter 13 concerning Regulations), which prescribes that all clerics, both secular and regular, even those exempt, are to be compelled by the Bishop to participate in public processions. He argued that, while the Chapter's action seemed to alleviate the synodal sanction for negligent Chapter members, on the other hand, it incentivized them to fulfill their duties not out of duty and religion, but rather out of greed; this, he maintained, was incongruous, especially since all other clergy and even lay sodalities participate in the processions without any prospect of a monetary reward. Furthermore, he noted that in the aforementioned Chapter meeting, an action had been taken regarding the assignment of a portion of the common Mass in favor of the choir members.

[*Latin ed. p. 707*]

In Signina, 707 individuals participated in the processions. However, since all members of the Chapter have the right to attend that Mass, no de-

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cision could be made concerning individual members without their being heard, or even invited; for, according to a well-established principle of law: that which concerns all must be approved by all. This principle is all the more applicable in this case, because the proposed diversion of a portion of the Mass revenues prejudices the infirm choir members, who, like other canons or beneficed clergy, have the right to participate in it, as is evident from chapter one of the Decrees concerning ecclesiastical residencies, paragraph 6, and from the Council of Trent (Session 24, chapter 12 on Reform). Furthermore, the Chapter cannot defend itself by invoking the provision (chapter 1, Concerning matters decided by the majority of the Chapter), which, as a rule, states: "That which has been decided by the majority and healthier part of the Chapter should always prevail and have its effect." For Maschat (Institutes of Canon Law, book 3, title 11, number 15) cites various exceptions, such as when it concerns acts of mere faculty and liberal donations, especially when it concerns acts that are not necessary or useful: "But if what is in question applies to an external matter, especially one that is not necessary or useful, the majority cannot decide to the detriment of the minority; but even one person can prevent such a decree by objecting." Indeed, the application of a portion of the revenues of the common Mass in Signina is neither necessary nor useful, since sufficient provision is already made by the fine decreed by the Synod and the existing law of tithes, but it is also prejudicial and harmful to the infirm choir members. The Chapter's Deductions. The canons maintain that the beneficed cleric Iannucci has no right to challenge the Chapter's resolution, because he, not being a canon, is an outsider to the Chapter, as is stated in the Chapter's Constitutions: "In this Chapter, only canons shall have a place" (1). (1) Not only by the particular law of the Cathedral church, but also by the common law of residents and beneficed clergy in Signina, it is not considered that...

[*Latin ed. p. 708*]

From S. C. Concilium 7o8: "Hence, it is the case that only the beneficiary is obligated to obey the ordinances issued by the Chapter concerning the service of the church, as Pignatelli states (vol. 6, cons. 49, n. 2). Then, they deny that there is a contradiction between synodal law and a Chapter act; firstly, because the synodal law, which applies a penalty, is general for the entire diocese and for all processions, whereas the Chapter's ordinance only affects the members of the Cathedral Chapter and specifically refers to four processions, namely those of Saint Mark, Easter, and Rogations; secondly, because this synodal penalty has fallen into desuetude due to never having been applied. But even if the synodal law with the penalty were still in force, it does not necessarily follow that the Chapter's decision contradicts it; for the purpose of both laws is the same, namely the good of the Church. Indeed, Rubeus teaches (Singularia ex Rotae decisionibus, vol. 2, p. 29): 'The Rota has often approved, even in matters of common

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law, that what the Chapter establishes pertains only to the canons, and not to the portioners... and this opinion is generally followed by the doctors,' who especially refer to chapter 4 D, in which it is stated that only the canons, who are called 'brothers bishops' there, constitute one body with the Bishop. Cardinal Petra (Comm. in Const. S. Leonis M., vol. 1, sect. 2, n. 11) cites the decisions of the Rota as well as the doctors. However, Rubeus continues with this rule: 'This must be limited, yielding where the statute or custom is otherwise for the Chapter.' And Bouix (De Capitulis, part. 1, adds: 'It is to be noted that the dignities are not, unless by statute or custom, of the Chapter, as is stated in sect. 2, n. 7) after having stated that the dignities are of the Chapter, 'There is, however, a great difference between the dignities and the others mentioned (namely, the beneficiaries, chaplains, and portioners). For the dignities are usually of the Chapter by statute or custom, so that, as Cardinal Petra testifies, this is regularly the case in Italy, and frequently in other regions. But, on the contrary, it is very rare that the rights pertaining to the canons are, by statute or sufficiently proven custom, applicable to the others mentioned.' (N. R.). 12 July 1682. With regard to this, Wernz states (Ius Decr., vol. 2, tit. 36, 'that dignities received by the discipline in force in the Chapters are rather said to be of the Chapter'; and Santi-Leitner (Prael. iuris can., lib. 3, tit. n, n. 1): 'Beneficiaries and other clerics may have the right to intervene in certain Chapter congregations by a special law, especially if they have the common mass with the canons, and the matter concerns affairs pertaining to the same,' which S. C. G. considered in Astensi d.; n. 7) (N. R.)."

[*Latin ed. p. 709*]

Signina 709: Quod quidem renitentibus ad participationem in processionibus coactum est, sive per impositionem mulctae, sive per promissionem praemii. Post haec, Capitulum ad aliam difficultatem accedit, scilicet, quod cum dicta distributio sit desumpta ex massa communi et infirmis sit praeiudicialis, non potest determinari sine consensu omnium Capitularum, secundum regulam iuris: quod omnes tangit, ab omnibus approbari debet. Sane, in cap. I, De iis quae fiunt a maiori parte Capituli, statuitur regula generalis: « Quod a maiori et saniori parte Capituli fuerit constitutum praevaleat semper et suum consequatur effectum, nisi a paucioribus et inferioribus aliquid rationabiliter obiectum fuerit et ostensum». Atqui, in casu praesenti, irrationabile dicere non potest votum emisso esse ad illud finem, ut in praefatis processionibus obtineretur debitum Capituli decus et populi admiratio; quinimo, ut maxime utile et necessarium est habendum. Hinc regula iuris 29 in 6°: « Quod omnes tangit, ab omnibus approbari debet, intelligenda tantummodo de bonis ad singulos canonicos pertinentibus iure proprio, non autem, ut in casu praesenti, iure collegii. Ad rem, audiatur Reiffenstuel (de Reg. Iuris in 6°, reg. 29): « Regula praesens intelligenda venit de eo dumtaxat quod omnes

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ut singulos, non autem de eo quod omnes ut universos tangit... Plures vel omnes ut singulos seu singillatim et distributive sumptos aliquid tangere idest competere et pertinere dicitur, quando quivis in specie ac in individuo in illo ius habet, sicque de iure et praeiudicio cuiusvis directe, primario ac principaliter agitur... Plures vel omnes ut universos seu collective et collegialiter sumptos aliquid tangere idest competere et pertinere dicitur, quando illud non ad quemvis in specie aut individuo sed ad totum collegium, communitatem, monasterium, capitulum pertinet; sicque de totius communitatis et collegii iure ac praeiudicio directe, primario et principaliter agitur, quamvis indirecte, secundario ac minus principaliter de singulorum iure et praeiudicio agatur ». Cfr. Barbosa, Acta S. Sedis, Vol. XXXVII, fase. 11, 45.

[*Latin ed. p. 710*]

From the Sacred Congregation (Collectio Decretorum, lib. 6, de Reg. iuris, 29, tom. 4), Bouix (De Capitulis, part. i, sect. 4, cap. i, § 4), etc.

Response. The Sacred Congregation, on January 2, 1905, responded as follows:

Having considered the matter, the following is determined:

1°. By common law, beneficed and mansionary canons are not considered members of the Chapter, unless a particular statute or legitimate custom provides otherwise.

2°. According to the text of the law: That which has been established by the majority and more venerable part of the Chapter always prevails, and for the validity of Chapter acts, the majority of votes is sufficient.

3°. To this general principle, a principal exception is introduced by rule 29 of the law, in section 6: "That which concerns all, ought to be approved by all; by virtue of which, absolute unanimity of votes is required in those matters which principally and directly concern individual canons."

4°. Monetary rewards or distributions, and the allocation of funds, in themselves do not imply avarice, since they do not exclude the primary purpose for which they were instituted, namely, the increase of divine worship.

5°. The majority of the Chapter has the power to decide on the revenues of the common fund for the necessity or benefit of its own church, as well as for pious causes, especially when, as in the present case, it is a matter of increasing divine worship.

6°. The appeal of the beneficed canon Iannucci, dismissed by the formula "Lectum," was rejected because it was based on no legal foundation, the amount in question being quite ridiculous.

[*Latin ed. p. 711*]

From the Sacred Congregation of Rites, April 12, 1905. Concerning the

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celebration of the feast of Saint John Vianney. The Most Reverend Bishop of Viviers humbly requested of the Sacred Congregation of Rites:

I. Whether the feast of Saint John Vianney may be celebrated this year, according to the Indult or decree for dioceses of France, of April 12, 1905?

II. Whether the feast of Saint John Vianney, observed with a lesser double rite, should be celebrated on August 4th, which is the day of his death, and therefore whether the feast of Saint Dominic, observed with a greater double rite, should be transferred according to the rubrics, since this day is not the day of the death of Saint Dominic?

And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, and having heard the opinion of the Liturgical Commission, decided that the following should be answered:

To I: Affirmative, if it can be done conveniently.

To II: Negative, according to the General Decree No. 3811, concerning two feasts or offices occurring on the same day, dated November 21, 1893, section II (2). And the feast of Saint John Vianney...

(1) See Acta S. Sedis, vol. 39, p. 661.

(2) Which, concerning section II, states: "If of two feasts, one of which is ancient and the other new, one is on the day of the nativity, the other should be preferred to it, all other things being equal. But if the one that is on the quasi-natalitia, or quasi-natalitia day, is of a higher or equal rite, or is proper, or primary, or of higher dignity, it should be preferred to the other, which is to be transferred to the first free day according to the rubrics."

According to the same decree, a "natalitia" day is to be understood as the day on which the Saint enters eternal life; a "quasi-natalitia" day is that which the Holy See chooses, outside of the nativity, for liturgical feasts to be celebrated. Indeed, the feast of Saint Dominic is on a quasi-natalitia day, and, being of a greater double rite, is of a higher rank than the feast of Saint John Vianney, which is on a natalitia day, but, being only of a lesser double rite, is of a lower rank.

Finally, it is necessary to note that this decree applies only to the dioceses of France (N.R.).

[*Latin ed. p. 712*]

7 From the Sacred Congregation of Rites, Decree 12, it is stated that, if necessary, the Office should be transferred to the first free day following, according to the rubrics. And it was thus written. On May 12, 1905. A.L. "f* S. Card. TRIPEPI, Pro-Prefect. f D. Panici, Archbishop of Laodicea, Secretary. PLACENTIA IN SPAIN Doubts concerning the anticipation of reciting Matins, whether privately or in choir. The Most Reverend Bishop of Placentia in Spain reverently presented the following to the Sacred Congregation of Rites: A controversy has arisen in recent years regarding the hour at which Matins may be begun for the following day, with some asserting that

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such an hour is the second hour of the afternoon, while others deny this, postponing it to midday, as prescribed in the diocesan directories, and this causes a considerable degree of anxiety among those bound to the Divine Office. Therefore, the same Most Reverend Bishop submitted the following questions to be answered: I. Whether, in private recitation, Matins may be begun at the second hour of the afternoon, or must one always adhere to the schedule of the diocesan directory? II. Whether, even in public or choral recitation, the Office may be begun at the second hour of the afternoon? III. Whether the hour for reciting Matins should be counted indiscriminately from the local meridian, or from the official meridian of Greenwich, which anticipates the local hour by more or less a third of an hour? And the Sacred Congregation, after considering the report of the undersigned Secretary, and after a careful deliberation by the Liturgical Commission, decided to respond as follows: Regarding I. Consult approved authors (1). (1) By a privilege established by custom and approved by the Church, the private recitation of Matins with the Lauds of the following day may be anticipated from Vespers.

[*Latin ed. p. 713*]

From the Sacred Congregation of Rites, to II: No, unless an Indult is obtained. To III: At will. And thus it was responded. On May 12, 1905. A.L.S. Cardinal TRIPEPI, Pro-Prefect. D. Panici, Archbishop of Laodicea, Secretary. AGEN. Concerning the translation of the feasts of the Most Holy Name and the Sacred Heart of Jesus, the Purification, and of Saint Hilary, and concerning the Mass of the solemnity transferred or of the Patron or Titular. The current editor of the Agen calendar, with the consent of his Reverend Ordinary, proposed the following questions to the Sacred Congregation of Rites for appropriate resolution: concerning the matter at hand. Furthermore, he proposed the question: "At what hour is it permissible to begin the private recitation of Matins with the Lauds of the day following, on the evening of the preceding day?" The Sacred Congregation of Rites, in the decree of Zacatecas, March 16, 1876, n. 3391, responded: "The private recitation of Matins with the Lauds of the following day may begin when the sun has passed the meridian and is moving towards sunset." And when it was further inquired: "Is the aforementioned resolution to be understood in such a way that he would not fulfill his obligation if he recited Matins with the Lauds of the preceding day before the sun had passed the meridian and was moving towards sunset?" The same Sacred Congregation, in the decree of Petrocoria, July 13, 1883 (which, however, is found in the old Gardellinian Collection under n. 5883, but has been omitted in the authentic new collection), responded: "Consult approved authors." Nevertheless, when the same question was proposed again, it was necessary to provide a more clear and definite answer; nevertheless, the Sacred Congregation gave the same response, namely: "Consult approved authors." Therefore,

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the Sacred Congregation did not wish to resolve the question directly, since both opinions, upon which the Most Reverend Orator based his arguments, are supported by numerous and weighty reasons, both internal and external. The authors, who contend from different sides, are indeed approved, and seem to be of roughly equal number and authority. Therefore, both opinions are probable, and accordingly, the more benign opinion, which holds that the private recitation of Matins with the Lauds of the following day at the second hour of the afternoon of the preceding day is permissible and valid, may be embraced with a safe conscience. Those who wish to know the erudite dissertations published on this matter should consult Ballerini (Opus theol. mor., vol. 4, tract. g, cap. 2, n. 244), Nouvelle Revue Théologique (vol. 19, pages 19, 294, 504, 633), and Liturgicae (vol. 11, pages 20, 323, 194, 500, and 383) (N.R.), and Ephemerides.

[*Latin ed. p. 714*]

7*4 From the Sacred Congregation of Rites, I. Should the feast of Saint Hilary be celebrated in a church where Saint Felix (January 14th) is the patron or titular saint, as if it were a proper feast day, on January 19th, which is a day within the Octave, without any observance of Saint Canute? And, if affirmative, should the particular calendar for this church be corrected to reflect this? II. Is January 28th truly the proper day for transferring the feast of the Most Holy Name of Jesus, according to the decree of September 6, 1895? Thus, can this feast be placed on January 19th, which is a day within the Octave, for example, of Saint Hilary, the patron and titular saint, when that day happens to be the Second Sunday after Epiphany, as will occur next year? And, if affirmative, should the particular calendar be corrected as above? III. Should the feast of the Purification be transferred to February 4th if it coincides with the Sunday of Septuagesima, especially when the feast of the patron or titular saint, or a feast of the first class, occurs on the second day of the week, or February 3rd? Or should it be transferred further to the first available day, according to the rubrics? IV. When the feast of the Most Sacred Heart of Jesus occurs on June 29th, is it transferred to the 30th, as if it were a proper feast day? But what about in a church dedicated to Saint Paul, whose feast is of the first class and primary? Should the feast of the Most Sacred Heart be transferred to the next available day, according to the rubrics? Or rather, should it be transferred to the Sunday, so that it is not prolonged, and then the feast of the Precious Blood be transferred to the following Wednesday? V. When there is an obligation for a choir, if the Mass is not sung according to the proper Office, should the solemnity Mass on Sunday be... (1) In a decree of the Sacred Congregation of Rites, dated September 6, 1895, no. 3872, concerning the second point, the following question was raised: "Should the feast of the Most Holy Name of Jesus be transferred, and if so, how, when it coincides with the aforementioned feast of the titular saint of the church (namely, Saint Felix), on the Second

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Sunday after Epiphany?" And the Sacred Roman Congregation responded: "In this case, the feast of the Most Holy Name of Jesus should be transferred to January 28th, unless a feast of higher rank or of equal rank but primary occurs; in which case, the aforementioned feast should be transferred to the first free day, according to the rubrics" (N. R.).

[*Latin ed. p. 715*]

From the Sacred Congregation of Rites, Decree 7, item 5: "What commemorations are to be observed, and what are these commemorations?"

6. If the feast of the patron or titular saint of a church coincides with the Sunday of the Resurrection or Trinity Sunday, may the Mass of the patron or titular saint be sung, especially where there is no obligation for a choir, since these two Sundays are not included in the rubric of the Missal concerning the transfer of feasts? And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, the unanimous opinion of the Liturgical Commission, and all matters diligently presented, decided to respond as follows:

To Question I: Affirmative.

To Question II: Negative.

To Question III: Affirmative for the first part, negative for the second part (1).

To Question IV: It should be transferred to the following Sunday, the feast of the Precious Blood of Our Lord Jesus Christ being transferred to the third day following (2).

(1) This decision is derived from a special rubric in the Roman Missal, which states that if the feast of the Purification of the Blessed Virgin Mary falls on one of the privileged Sundays, it must be transferred "to the second day immediately following, as to its proper place, even if a feast of equal or lower rank occurs on that day." However, in the case of the feast occurring on the second day, or February 3rd, it is of a higher rank, since, as is assumed, it is of the first class, while, on the other hand, the feast of the Purification is only of the second class. Therefore, in the decree of September 7, 1850, item 1, which is found in the Mechli-Gardellin Collection under number 5151, but which is desired in the new authentic collection, the same doubt, as previously proposed, is raised: "Is it to be asked whether, in those places or churches where the feast of the first class occurs on February 3rd, the feast of the Purification is to be transferred to February 4th as to its proper place, or is it to be transferred further to the first day that is not impeded?" And the same response was given, namely: "Affirmative for the first part, (2) negative for the second part" (N.R.).

On June 28, 1889, in the decree of the City and the World, number 3712, in which the feast of the Most Sacred Heart of Jesus is raised to the rank of the first class, it is added: "This feast is to be celebrated on the sixth day after

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the Octave of Corpus Christi, as to its proper place; and it yields place only to solemnities of the same rank: in which cases, the feast is to be celebrated on the day immediately following, as to its proper place." Cf. Acta S. Sedis, vol. 21, page 694 (N.R.).

[*Latin ed. p. 716*]

7i6 From the Sacred Congregation of Rites, to the Very Reverend, observe decree no. 3754 of the Declaration concerning the transfer of the solemnity of feasts, December 2, 1891, to II.(i). To VI. Negatively, and observe the rubrics reformed in the Roman Missal, title VI, concerning the transfer of feasts, and decrees no. 3754 as mentioned above to III, and no. 3924 of Strigonien, July 3, 1896, to V(2). And thus it was responded. On May 19, 1905. A. L. S. Cardinal TRIPEPI, Pro-Prefect. D. Panici, Archbishop of Laodicea, Secretary. OF THE ORDER OF CARMELITES OF THE ANCIENT OBSERVANCE Concerning the new edition of the Carmelite Ritual, and its observance. Reverend Father Simon Bernardini of the Order of Carmelites of the Ancient Observance, to the Sacred Congregation of Rites, the following: "Concerning the solemnity which is transferred, it is understood that only one Mass is to be celebrated, to be sung according to the votive form, as on a feast day, with the Creed and the Gospel of St. John at the end; where the Gloria is sung, however, since the obligation of the Conventual Mass is present, only the commemoration of the Lord's Day shall be added, with a distinct conclusion, and the Gospel of the Lord's Day at the end." Therefore, in the case of a transferred solemnity, only the single prayer of the solemnity is said, without any commemoration (N.R.). (2) The Sundays of the White Garment and the Most Holy Trinity have been included in the new General Rubrics of the Roman Missal, in which it is stated that: "in churches where the title is that of the church... two Masses may be sung, one for the day, and one for the feast; except for... the Sunday of the White Garment... the Sunday of the Most Holy Trinity..." Cf. Acta S. Sedis, vol. 30, indulgences for page 461. Furthermore, the decree concerning the transfer of the solemnity of feasts, cited in the second place above, Declaration of December 1891, no. 3754 to 3, states: "If the feast to which the solemnity is to be transferred falls on one of the Sundays of the first class (except for Palm Sunday), of a semi-double or double rank, the Mass of the Sunday shall be sung, and to that first prayer shall be added, with a single conclusion, the commemoration of the feast that occurs; as for the rest, the rubrics shall be observed; and nothing further shall be done concerning that solemnity..." Indeed, it is known that the Sundays of the White Garment and the Most Holy Trinity are of the first class. Finally, in Strigonien, July 3, 1896, no. 3924 to 5, concerning the doubt "...Whether a solemn votive Mass may be sung for the transferred Patron on the Sunday of the Passion, on the Sunday of the White Garment, and on the Sunday of the Most Holy Trinity," the Sacred Congregation of Rites responded:

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"Negatively." Cf. also Acta S. Sedis, vol. 29, page 54 ad 2 (N.R.).

[*Latin ed. p. 717*]

From the Sacred Congregation of Rites, for a suitable resolution, the following was humbly presented: I. Whether the proper rite, which the Carmelites of the Ancient Observance use in the celebration of the Mass and in the administration of the Sacraments and Sacramentals, ought to be retained by all Religious belonging to the Order, with no exceptions, even those who are assigned to govern parishes? II. Whether it is to be approved of, the practice received in the Carmelite Liturgy, whereby those forms and ceremonies which are lacking for one or another Sacrament in the particular rite of the Order, are taken from the Roman Ritual? And, in the affirmative to I, and in the negative to II: III. Whether it is permissible for the General Prior of the Order of Carmelites of the Ancient Observance to collect, in one volume, both the particular rites of the Order, and those which are supplemented from the Roman Ritual, under the title "Carmelite Ritual," and to prescribe the observance of this Ritual to all his subjects? Furthermore, the Sacred Congregation of Rites, in a special meeting held at the Vatican on the 16th day of the month of May, proposed by the Most Eminent and Reverend Lord Cardinal Vincentio Vannutelli, Bishop of Praeneste, and Relator, and after hearing the Reverend Father Alexander Verde, S.J., Promoter of the Sacred Faith, and after all matters had been diligently considered, it was decided to respond as follows: I. Affirmative. II. Negative. III. Affirmative. These resolutions, having been reported to the Most Holy Pope Pius X by the undersigned Cardinal of the Sacred Roman College, Pro-Prefect, His Holiness deigned to ratify and confirm them. May 24, 1905. A.L. "f* S. Card. TRIPEPI, Pro-Prefect. f D. Panici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 718*]

From the Sacred Congregation of Rites, ORIOLEN. Concerning the custom introduced regarding the use of the stole in the choir and the cope at Vespers. The Most Reverend Lord John Maura and Gelabert, Bishop of Oriola, earnestly desiring that the rubrics and decrees pertaining to the divine worship be duly observed, humbly presented the following to the Sacred Congregation of Rites: In the Cathedral church of Oriola, since the year 1626, there has existed a custom whereby the hebdomadarius [a cleric responsible for a weekly duty] uses the stole in all the canonical hours. Furthermore, on days on which, according to the Pontifical Ceremonial, the cope is to be worn, it is received in this manner: The hebdomadarius, wearing the stole over his mozzetta, remains in the choral vestments until the hymn, after which he puts on the cope; two beneficed clergy, on less solemn feasts, together with two canons on more solemn feasts, receive the cope at the beginning of Vespers, but all of these, as well as the heb-

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domadarius, put on the cope within the choir itself, and do not go to the sacristy; during the time of incense, the same hebdomadarius is associated at the altar by two other beneficed clergy wearing simple choral vestments. Finally, at the end of Vespers, all those who have put on the cope remove it before leaving the choir. Now, since grave doubts have recently arisen concerning the legitimacy of these customs, and there is no agreement among the capitulars as to what should be done, the same Ordinary, in order to remove all ambiguity and concern, has requested a solution to the following questions from the Sacred Congregation: I. Whether such a use of the stole, at least considering the ancient custom, is to be considered legitimate and therefore to be observed? II. Whether, by virtue of the same custom, the hebdomadarius may remain in the choral vestments until the hymn and then put on the cope?

[*Latin ed. p. 719*]

From the Sacred Congregation of Rites, III: Can the *pluviales* (liturgical vestments) be put on and taken off within the choir itself during solemn Vespers, or is it necessary to go to the sacristy? IV. Should those who assist at the hebdomadary (a weekly liturgical service) during the time of incense offering be the same individuals who were prepared from the beginning, or can they be two others, wearing only a simple choral habit? V. Can the custom be maintained whereby, in the absence of the Bishop, two canons put on the *pluviales* to perform the duties of those assisting on more solemn days, as has been the custom in this Cathedral for Vespers? And the Sacred Congregation of Rites, after receiving the report of the undersigned Secretary, and after carefully considering the opinion of the Liturgical Commission, and after diligent deliberation, decided to respond as follows: To I: Negatively, according to the decree of August 4, 1663, section 3 (i), number 1275, concerning *Dalmatica* (a type of liturgical vestment). To II and III: Negatively, and the *Caeremoniale Episcoporum* (Ritual of Bishops), Book II, Chapter III, numbers 1, 2, 3, and 4, should be observed. To IV: Affirmative for the first part; negative for the second, and the *Caeremoniale Episcoporum*, in the aforementioned place, number 10, should be observed. (1) Regarding the question: "Whether the hebdomadary should always use the stole (a liturgical scarf) when performing his duties, or whether he should perform them without it, since the *Caeremoniale Episcoporum* makes no mention of the stole in the chanting of the canonical hours," the response was: "He should not use the stole," despite a custom that is more than a century old (N.R.). (2) The *Caeremoniale Episcoporum* (loc. cit., n. 1) states: "In cathedral churches, in the absence of the Bishop, and in collegiate churches, the hebdomadary prepares himself in the sacristy with a *pluvial* of the color appropriate to the season, over the *rocchetto* (a type of liturgical alb), if he uses one, or over a *cotta* (another type of alb), and with him are prepared four or

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six priests from the clergy of his church, besides the canons," and (n. 15) after the completion of Vespers, it adds: "The procession continues, (the Celebrant) having prepared himself with the aforementioned vestments, 'if the canons are to return from both sides in the order in which they came' to the sacristy" (N.R.). (3) The *Caeremoniale Episcoporum* (loc. cit., n. 10) also prescribes: "The Celebrant, with two of those prepared (wearing the *pluviales*), ascends to the middle of the altar... for the same incense offering (N.R.)."

[*Latin ed. p. 720*]

From Section 720 of the Index of Indulgences and Sacred Relics, and from the Holy Reliquary, to the Very Reverend. In the negative, according to the decree number 1, 3, 9, 1 of the Papal Bull of July 20, 1669, concerning item 3 (i). And thus, it was replied. On May 30, 1905. A.L. "The Most Reverend Cardinal TRIPEPI, Pro-Prefect. D. Panici, Archbishop of Laodicea, Secretary." FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS. An indulgence is granted to those who recite a certain prayer for the reparation of blasphemies uttered against the Blessed Virgin. Most Blessed Father, The Reverend Fortunato Giordano of Naples, Domestic Prelate to Your Eminence, prostrate at the feet of Your Eminence, humbly explains that, desiring to promote a reparation against the blasphemies which are impiously uttered every day, especially against the Most Holy Virgin, during the jubilee of the definition of the dogma of the Immaculate Conception, he has disseminated, through the Sacred Eucharistic League of Milan, a small object, to be affixed in homes, with the image of the Most Holy Immaculate Mary, and with certain pious ejaculations, among which is the following: "O Mary, bless this house, where your Name is always blessed. May Mary always live, the Immaculate, the ever-Virgin, the blessed among women, the Mother of our Lord Jesus Christ, the Queen of Heaven." Now, in order that this pious practice, already widespread in many places, may be propagated throughout, he humbly requests Your Eminence (i) That it be declared: "That canons are not required to assist at Vespers with copes"; rather, according to the Ceremonial of Bishops (book 2, chapter 3, number 1), those assisting at Vespers with copes cannot be canons: "(During the celebration) four, or at least, canons are prepared" (N.R.). six priests from the same church, with him.

[*Latin ed. p. 721*]

From the Sacred Congregation of Indulgences and Sacred Relics, 721, because it seemed fitting to grant some indulgence to all those who shall recite the aforementioned prayer, and to impart the Apostolic blessing to those who wish to undertake, at any time, this pious practice concerning the leaflet. – That, etc. From the audience of the Holy Father, on February 26th, [year unspecified], after having heard the explanations, the Holy

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Father benignly granted, without any brief being required, an indulgence of three hundred days to those who, with a contrite heart, shall recite the aforementioned prayer (as often as they do so), benefiting even the souls detained in Purgatory. Furthermore, to those Christian faithful who shall devoutly perform the aforementioned pious work, the Apostolic blessing was generously imparted. Notwithstanding any contrary things. – In witness whereof, etc. Signed: *f* St. Casimir, Cardinal Gennari. The present rescript was presented to this Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the Secretariat of the same Sacred Congregation, on March 21, 1905. Signed: *f* S. f D. Panici, Archbishop of Laodicea, Secretary. DECREE Concerning the Indulgences to be gained in chapels, whether public or semi-public, of the Tertiaries living in community and those who make simple vows. Whereas, by a Decree of the Sacred Congregation for Indulgences and Sacred Relics, dated August 28, 1903 (1), it was granted that the churches of the Tertiaries should enjoy the same Indulgences as those enjoyed by the churches of the respective First and Second Orders, this Sacred Congregation inquired: (1) Cf. Acta S. Sedis, vol. 36, p. 377 and 378.

[*Latin ed. p. 722*]

From Section 722 of the Index of Indulgences and Sacred Relics: Regarding the granting of the aforementioned Indulgences under the name of the Third Orders, should public oratories, and also semi-public oratories, be included, in which, according to the Decree of the Holy Roman Church of January 23, 1899 (i), not only those who are members of the community, but also other faithful, can fulfill the precept of hearing the Sacred Scriptures on feast days? And the Holy Congregation, having heard the opinion of the Consultors, ordered that the following should be answered: "No," and it was requested that the Most Holy Father be petitioned to graciously extend the privilege of gaining Indulgences to the semi-public oratories of the Third Orders, regarding which, but only for the benefit of the aforementioned Third Orders and other persons residing with them in the community. Regarding this, a report was made to the Most Holy Father, Pope Pius X, in an audience held on March 22, 1905, by the undersigned Cardinal Prefect, and the same Holiness graciously confirmed the resolution of the Holy Congregation, and also granted the requested extension. Given in Rome, from the Secretariat of the same Holy Congregation, on March 22, 1905. A. Card. TRIPEPI, Prefect. L. "J*- S. f D. Panici, Archbishop of Laodicea, Secretary. OF THE CITY AND THE WORLD: Decree by which Indulgences are granted to all the faithful, whether publicly or privately, who perform pious exercises in honor of the Blessed Virgin Mary for the conversion of sinners. Numerous pious societies exist throughout the Catholic world under the title of the Most Holy and Immaculate Heart of Mary, which (i)

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Cf. Acta S. Sedis vol. 31, page 412.

[*Latin ed. p. 723*]

The Sacred Congregation of Indulgences and Sacred Relics has established a particular aim: to implore the Blessed Virgin Mary for the conversion of sinners. Indeed, among certain of these, there is a praiseworthy practice of gathering the faithful once a month in their own church or a public oratory, so that, through a period of nine days, they may pour forth more fervent prayers to the Virgin Mary for the same purpose, seeking to attain it more diligently. This exercise of piety, deserving of greater encouragement, was joined by plenary and partial indulgences, granted through Apostolic Letters dated May 12, 1876, by the Most Holy Pope Pius IX. Now, for the increase of religion and for the more effective salvation of souls, humble prayers have been most earnestly presented to Our Most Holy Pope Pius X, that he might deign to extend these same indulgences, whether publicly in churches or privately by any of the faithful, to this aforementioned pious exercise. Furthermore, Holiness, to whom nothing is more pleasing than to see the faithful, with the help of the Immaculate Virgin, Mother of God, obtain graces from Divine Goodness, so that men may be turned from the path of perdition to the way of salvation, has most graciously accepted these prayers, and in an audience held on April 12, 1905, by the undersigned Cardinal Prefect of the Sacred Congregation of Indulgences and Sacred Relics, the following indulgences have been generously granted, to be obtained once a month, perpetually: 1. A plenary indulgence to the faithful who, having devoutly participated in the aforementioned exercise in churches or public oratories, according to a method approved by the local Ordinary, or even privately, having engaged in pious practices of their own choosing, and having, on one day of their choice within the month, been properly confessed and reconciled with Holy Communion, have prayed in the church or public chapel, according to the intention of Holiness. 2. To the same faithful, seven years and seven quarantines of indulgences, if, at least with a contrite heart, they perform the aforementioned works of piety. These indulgences, the same Holiness...

[*Latin ed. p. 724*]

724 From the Sacred Congregation for Indulgences, it has been declared that the aforementioned indulgences and the relics of saints held in fire, which are contained in Purgatory, are applicable. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 12th of April, 1905. A. Cardinal TRIPEPI, Prefect. For the Reverend Father Doctor Panici, Archbishop of Laodicea, Secretary. L. *|* Reverend Father Joseph M. Canon Coselli, Substitute. The indulgence is granted to those who recite the following prayer in honor of the Blessed Virgin Mary.

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PRAYER TO THE MOST HOLY MARY

O Mary, you who, crowned with stars, have the moon for a footstool and the wings of the angels for a seat, bend your gaze upon this valley of sorrows, and hear the voice of those who place their refuge and their hope in you alone. You now enjoy the infinite sweetness of Paradise; but even amidst the joy and splendor, you always carry in the depths of your soul the memory of what you suffered in your life. You, too, have experienced the hardships of this exile, and therefore you know how bitter the days are for those who live in pain. Always in your thoughts is a mountain scattered with armed men and squalor; you always hear a voice, too well known to you, that says to you: "O woman, behold, your son." And those images move you with profound tenderness, and you feel, O blessed one, that on that mountain and with those words you were destined to be the mother of the faithful. And without you, what would be the life of the poor children of Adam? Each of them has a pain that torments them, a sorrow that oppresses them, a wound that torments them. And all turn to you, as to the port of salvation and the source of all refreshment. When the waves rage in a storm,

[*Latin ed. p. 725*]

From the Vicariate of 725 of the City, I, your navigator, turn to you, and from you, I implore calm. To you comes the orphan, who, like a flower in the desert, sees herself exposed to the turmoil of life. The poor supplicate you, seeing their daily bread failing; and there is no one to whom help and consolation are denied. But if all find in you aid and refreshment, what shall we say of us, to whom you are wont to show yourself alive in Heaven? O Mary, Mother of all, enlighten the minds, soften the hearts, that that purest love which flows from your eyes may spread everywhere and produce the wondrous fruits which your Son prepared by shedding his Blood, while you sustained the most grievous torments beneath his Cross. To the faithful who shall devoutly recite this prayer, we grant, once a day, an indulgence of 300 days. From the Vatican, March 24th, [year not specified]. PIUS PP. X.

This present rescript has been presented to this Holy Congregation, which presides over Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the Secretariat of the same Holy Congregation, on the 2nd day of June, 1905. L. S. f D, Panici, Archbishop of Laodicea, Secretary.

FROM THE VICARIATE OF THE CITY: Circular letters from the Cardinal Vicar to the parish priests of the City, concerning the transmission of Christian doctrine.

Most Reverend Sir,

We send to Your Reverence a copy of the encyclical letter which the

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Holiness of Our Holy Father has deigned to issue, *Acta S. Sedis*, Vol. XXXVII, page 11, 46.

[*Latin ed. p. 726*]

726 From the Vicariate of the City, to all the Bishops of the Catholic world, concerning the instruction in the Christian doctrine (1). The great importance of the venerable pontifical document, especially for the parish priests, and the desire that the people of Rome may soon experience its beneficial effects, leads us to draw Your Excellency's particular attention to certain provisions contained in the Encyclical, adding what we deem appropriate to facilitate its implementation. The first thing to note is that, from now on, catechetical instruction in the individual parishes must be held on all days of celebration throughout the year. In Rome, it was an ancient custom to take a break at a certain time of the year, in addition to certain major solemnities. The Holy Father desires that this custom cease, and that catechesis never be suspended. It should not be objected that, at certain times of the year, few will care to attend; for the negligence of the faithful must be countered by the zeal of the parish priests, who, in this regard, should not fail to admonish the people with charity, but earnestly, remembering the teaching of the Apostle: "Insta opportune, importune: doctrina. Argue, obsecra, increpa in omni patientia." Nor should it be only to the youth that the importance of catechesis and the duty of being instructed in it are made known; all must attend the explanation, which, according to the new provisions of the Holy Father, must also be given, on every day of celebration, for adults. For this explanation, as for that of the children, the parish priests should choose the most suitable time according to the customs of the population entrusted to them, and, unless special reasons advise otherwise, they should ensure that the catechesis given to the children is immediately followed by the explanation for adults, and then by the recitation of some prayers and the blessing with the Most Holy Sacrament. (1) Cf. Acta S. Sedis, vol. 37, p. 613.

[*Latin ed. p. 727*]

From the Vicariate of the City, we earnestly recommend that, as soon as possible, the confraternity of Christian doctrine be established in each parish, according to the will of the Holy Father. In Rome, the archconfraternity of Saint Mary of Tears has existed for centuries, to which the parish confraternities must be affiliated, in order to enjoy the spiritual privileges granted to it by the Roman Pontiffs, and also to obtain that unity of direction and method which greatly contributes to the success of the apostolic ministry. Finally, we are pleased to recommend the careful study of the Roman Catechism, compiled by decree of the Most Holy Council of Trent, which the Holy Father desires to always serve as a guide for pastors in teaching the faithful the doctrine of Jesus Christ. In this regard, we believe

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it appropriate to order that, just as pastors are periodically required to address moral questions, so too, in turn, they should provide catechetical instruction on a point of the diocesan catechism, using the Tridentine Catechism. Parish conferences, which are held on Thursdays in the individual parishes, can greatly benefit this endeavor, provided they maintain the character they had at their inception. Therefore, having chosen the most suitable time for all, before anything else, a pastor, in turn, should read the catechetical instruction, as mentioned above, and then the remaining time should be used to discuss together all matters that may relate to the individual ministries and the various parish works. These catechetical instructions should then be deposited in the Secretariat of the Vicariate, and may also be printed, in order to spread their benefit to the entire clergy. We are certain that these provisions will be faithfully carried out by Your Eminence, and with such confidence, we heartily bless you in the Lord. From Our Residence, May 18, 1905.

PIETRO, Cardinal Vicar.

Francesco Can. Faberi, Secretary.

[*Latin ed. p. 728*]

From 728, Letters Circular from the Cardinal Vicar of the City, by which the Superiors of Religious Communities in the City are forbidden from receiving secular men as guests.

Most Reverend Mother,

For some years now, the works of female religious communities have multiplied in Rome, to the great benefit of souls, and with a manifold development of Christian charity. We must give thanks to the Lord for this consoling fact, who does not fail to assist His Church with means proportionate to the new needs of the times; but it is our duty to carefully observe all that is being carried out through the activity of these congregations, in order to increase their beneficial effects, and to keep away those abuses that an enthusiasm, sometimes poorly enlightened and imprudent, might introduce.

One point, among others, has attracted our attention, and that of the Holy Father as well, and that is the custom that has become prevalent in several communities of hosting, for a longer or shorter period, people who are not members of the community. This undeniable fact cannot always be justified by the spirit of Christian charity, which is exercised with sacrifice and disinterestedness, and must never reduce a religious house to a kind of hotel.

To remedy this danger, the Holy Father has come to the determination to issue the following orders, which we hasten to communicate to Your Reverence:

1°. It is absolutely forbidden to host secular men in the houses of reli-

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gious women.

2°. It would be desirable that even to ecclesiastics hospitality should not be offered in the aforementioned houses; since they can avail themselves of colleges or male religious communities, which abound in Rome.

3°. It is permitted only to receive ladies or noblewomen.

[*Latin ed. p. 729*]

Appendix II 729. It is known that those who, finding themselves alone, love a life of seclusion, which they could scarcely lead elsewhere. Certain that these orders of the Holy Father will be fulfilled promptly and with the utmost precision, we wholeheartedly commend them to the Lord. From Our Residence, May 18, 1905. PIETRO, Cardinal, Vicar. Francesco Can. Faberi, Secretary.

APPENDIX II

CONCERNING DISPENSATIONS FROM RATIALLY VALID, BUT UNCONSUMMATED MARRIAGES.

PART SECOND: CONCERNING THE AUTHORITY IN ITS EXERCISE (1).

74. Since the exercise of this authority is governed not only by ecclesiastical law, but especially by divine law, we shall discuss separately the exercise pertaining to divine and ecclesiastical law.

§ I. Concerning the exercise pertaining to divine law.

75. By divine law, two conditions must be verified for the validity of the dispensation: first, that the marriage is not consummated, but is simply ratified; and second, that there are reasons for granting the dispensation; of which one pertains properly to the exercise itself, while the other is necessary for the very existence of the power.

76. Furthermore, in practice, it is not sufficient that these two conditions objectively exist; but it is also required that the one who grants the dispensation be subjectively certain of their existence; therefore, something must also be said about the certainty with which one must be convinced of them.

(i) Cf. Acta S. Sedis, vol. 37, pages 131, 346, 542, and 671.

[*Latin ed. p. 730*]

73° Appendix II 7. Therefore, let us proceed distinctly: 1°. concerning the notion of a valid and unconsummated marriage; 2. concerning the causes necessary for a dispensation; 3. concerning the certainty with which these conditions must be established.

1. Concerning the notion of a valid and unconsummated marriage.

78. It is known that marriage is divided into legitimate, valid, and

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consummated, inasmuch as marriage may have been contracted by non-baptized persons or by baptized persons, and the union has not yet been completed, or, finally, whether legitimate or valid, the union has been completed.

79. Setting aside legitimate marriage, of which we cannot speak here, since the power of the Church to grant dispensations does not extend to this, the entire difference between a valid and a consummated marriage depends on the union; so that a marriage ceases to be merely valid and immediately becomes consummated as soon as the union is completed. Therefore, to determine whether a particular marriage remains simply valid, so that the power of the Church to exercise a dispensation over it may be applied, one must consider whether or not a union has taken place. If a union has taken place, it is consummated; if not, the marriage is valid and unconsummated.

80. The difficulty lies in establishing the notion of union; for, especially in recent times, Doctors do not agree on all the elements that constitute a union.

81. Certainly, all agree that penetration of the woman's vagina and, in the same act, the emission of semen are required on the part of the man; but some, furthermore, require that the woman be capable of procreation, and in particular, that she not lack a uterus and ovaries (1).

82. However, for our purpose, this difference is of little importance, since the latter element primarily concerns the possibility of conception.

(1) On the occasion of a matrimonial cause discussed in Monasterien in the year 1899, the question began to be debated with greater fervor among Doctors, whether a woman lacking a uterus and ovaries is or is not capable of marriage. Among the principal defenders of the affirmative opinion are the physiological-theological treatises, ed. II; GASPARRI, De Matrimonio, Disputationes II; ESCHBACH.

[*Latin ed. p. 731*]

Appendix II 7 3. Concerning the power of procreation. For, according to the opinion of these Doctors, in such a case, the marriage would not even exist. (lib. i, n. 5, io, and s q.; AUGUSTUSSI, consultor to the Sacred Congregation, *Votum* in the cause of Monasterien.) Among the arguments presented by both defenders of the concept of impotence and those of true sterility, the negative opinions are prominent. ANTONELLI, *De Romae iooo, De mulieris excisae impoten- tia ad matrimonium*, p. 3, argues in favor of the concept of impotence and sterility as relating to marriage. (The author's excellent work, *Medicina pastoralis*, was recently published in Rome by Pustet, 1905, and is very useful for ecclesiastical tribunals, professors, and more mature priests engaged in the ministry of souls.) BUCCERONI, *Casus resolutus ad S. Apollinaris*, April 15, 1901. OJETTI, S.J.,

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in *Synopsis rerum moralium et iuris pontificii...*, Prati, 1905, under the word "impotence," presents and discusses arguments for both sides. As for us, we agree with the conclusion of Father OJETTI: "In the face of such a variety of opinions among excellent authors, one thing remains to be said: we must await the decision of the Apostolic See." Indeed, the question is not as simple as it may appear at first glance. On the one hand, it is certain that marriage is instituted for the procreation of offspring, and that the calming of concupiscence is a secondary end, subordinate to the primary one. On the other hand, it is difficult to understand how we, with our limited faculties, can completely judge the validity of a marriage. And indeed, we are dealing with an institution that has been established since the beginning of human creation as the basis and foundation not only of family life but also of civil society, and as the cause and principle of many relationships between people; therefore, it cannot be assumed that from the beginning, people have not been able to determine the validity of marriages between themselves; criteria for judging can be assigned, and sometimes criteria can be entirely hidden, such as the existence or non-existence of ovaries, about which, of course, one cannot judge except on the occasion of a surgical operation. Furthermore, in this question, it seems necessary to consider what moralists say about the matter of the sacraments, namely, that it should be taken according to human estimation. Thus, LAYMANN (Th. Mor., lib. 5, tit. i, c. 4, n. 4): "In understanding the matter of the sacrament, it is necessary to pay more attention to its moral use and conception, rather than to its physical form or nature, which is unknown to most people." Therefore, the judgment of the suitability of the bodies of the spouses for marriage does not seem to be reserved only for those who are learned, and that too only through an operation. Furthermore, it must also be kept in mind what the aforementioned SILI notes in his *Votum*: "In the act of generation, the human action must be distinguished from the action of nature; as the most holy and powerful Mother expressed it in the second book of Machabees, saying: 'I know not how you came into my womb, nor how you grew, nor how you were formed in me, since I have not given you spirit or life, nor have I given you flesh or blood, nor have I given you the beginning of any member; but the Creator of all things gave you life and breath, and the origin of all things.'" Therefore, even in the opinion of those who believe that marriage is valid even if...

[*Latin ed. p. 732*]

732 Appendix II 8 3. It may be further inquired what should be said concerning the case in which a man has sown seed at the entrance of a woman's genitals, when it is known by experience that it frequently happens that the seed is drawn into the womb and conception also occurs, while the seal of virginity remains intact. It may be asked, whether in this case marriage should be declared consummated, or at least whether doubt

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may arise concerning its consummation. 84. As is evident, the question here does not concern the case in which, due to a defect either of the man or the woman, penetration is permanently impossible; for in this case, even if conception had occurred, the marriage would be considered as non-existent due to the impediment of impotence. 85. Setting aside this case, several hypotheses may be proposed. GASPARRI, when discussing the union from which affinity arises and for which marriage is consummated, sets forth the following cases: "1) If true male seed has not entered the vagina of the woman, affinity is, in the opinion of all, not present. Hence, there is no affinity if the hymen is intact, or if the man has not sown seed, or if he does not possess true seed, or if he has sown seed entirely outside the vagina, for example, at the vulva, without the seed being drawn inside, and much less so if there was only an attempt at union, or a sodomitic union of any kind. 2) If male seed, spilled outside the vagina, has been introduced into the vagina by means of a demon, or by some instrument, or if it has entered by natural means, without the subsequent generation of offspring, many great authorities more truly deny that affinity arises, because the union, if this name deserves it, is not a perfect natural act; others affirm that, because from this union, even if the woman's ovaries are not involved, the principal purpose of marriage does not seem to be excluded. Distinguishing between the double operation of man and nature, man, if he can perform the action that pertains to him, can always intend, on his part, the principal end, leaving to nature, or rather to the Author of nature, to perform the action reserved to it, namely, to produce the effect; and this Author, even without secondary causes, can produce the effect."

[*Latin ed. p. 733*]

Appendix II 733 0. The generation that follows can be considered perfect, and therefore it is to be so understood. 3) The reason is more weighty if, as a consequence, offspring follows. Lehmkuhl, vol. II, n. 765, believes that affinity arises in this case, because the parties become one flesh through the reason of the offspring. But not all admit that the parties become one flesh, and therefore affinity arises, solely through the reason of the offspring without prior perfect union; indeed, the authors seem implicitly to deny this, when they state that affinity arises solely from union, and indeed from a union that is, by its very nature, suitable for the generation of offspring. Thus, for example, P. BUCCERONI in *Praxi*, n. 43 – it must be noted above all that, concerning affinity, it does not arise except from union, and from that union which is, by itself, sufficient for the generation of offspring. 86. In practice, the Holy See, at least in the case where offspring has not been born (for it is not known to us whether the Holy See has ever definitively decided a case in which offspring was born), if it is established that penetration did not occur, the marriage is simply declared valid. 87. This practice is best explained by the opinion of those who hold

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that marriage is only consummated by union; this opinion is also consistent with chapter Laudabilem 3, on the frigid and maleficiaries: «But if... both, by oath, declare that they never became one flesh through carnal union... », where it is required that they have become one flesh through union; whereas, on the contrary, in another opinion, it is not so easily explained, because in this case, doubt of consummation is excluded by presumption, namely, that the case is rare and would happen by accident. But the case is not so rare, and although it may happen by accident, doubt is not excluded; nevertheless, the marriage cannot be declared invalid unless it is certain that there was no consummation. 0 2. Concerning the causes necessary for dispensation. 88. According to the common opinion of Doctors of Canon Law, a motive is required for dispensation in any law, and indeed, if it concerns only a law pertaining to licitness, because the obligation of the law...

[*Latin ed. p. 734*]

Appendix II is entirely dependent on the will of the legislator, who, however, if he were to exempt some from the law without a just reason, would commit the vice of favoritism and introduce inequality among his subjects; but if we are speaking of a law of a superior authority, even its validity is at stake, for it is not presumed that a superior has given the power to dispense arbitrarily and unjustly. Specifically, concerning dispensation or the dissolution of vows, etc., LAYMANN writes (Th. Mor. lib. I, tr. 4, c. 22, n. 11): "It is not... credible that God has entrusted to His Vicar on earth and to others appointed by Him the power to arbitrarily and without cause relax vows or oaths made to Him. For this power would not be one of dispensing, but of dissipating, not for edification, but for destruction. Therefore, neither does the steward, when he dissipates the goods or rights of his master against his will, accomplish anything, nor does he transfer ownership." 8 9. The reason for dispensing is also called the necessary cause; and rightly so, for a cause is that from which something is brought about: but the cause does not physically, but morally, move the superior to dispense. 9 0. With these premises, it is clear that there can be no doubt that a reason or cause is required to dispense from a valid and consummated marriage. 9.1. Nevertheless, especially in earlier times, some Canonists maintained that a reason was required only for licitness, but not for validity, i.e., they held, with the GLOSSA in cap. Ex publico, De Conversione coniugatorum, that the indissolubility of a valid marriage stems from the constitution of the Church. (Schmalzgrueber p. 4, tit. 19; SÁNCHEZ lib. 8, disp. ij, n. 6). But "this opinion is now entirely unacceptable, for it is based on the false notion that the indissolubility of a valid marriage is derived from human law. But in our time, it can no longer be doubted that a valid marriage is also indissoluble by natural and divine law" (WERNZ /. c, n. 698', nota jp). Therefore, it is now commonly admitted that a cause is required for

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validity.

[*Latin ed. p. 735*]

Appendix II 7 35 9 2. Rather, one should now inquire as to which nature must be the cause, that is, whether a public cause is required, or whether a private cause suffices.

9 3. The Council of Trent, Session 24, chapter y, concerning marriage, indicates this distinction between public and private causes when it states: "In contracting marriages, either no dispensation is granted at all, or it is rarely granted, and only for a reason, and freely. In the second degree, a dispensation is never granted, except among great princes and for a public reason."

9 4. Giovine declares this division of causes in this way: "Some causes are called public because they benefit the spiritual good of many in common; others are called private because they directly benefit the good of the souls of those who are marrying, or even of their families, although indirectly and in some respect, they also consider the public good" (De disp. matr. vol. I, part. 2, cons. Iß, sect. 2, § 211, n. 2).

9 5. A cause is public if it directly intends the public good, even if a private good follows from the public good; it is private if it intends a private good, even if a public good follows from the private good. For the private good always contributes to the public good. Thus, Sánchez de Matrim, book 8, dispensation 19, n. 8, easily shows that private causes, which are sufficient for a dispensation, contribute to the public good.

9 6. Indeed, "although some may wish the cause to concern the public good and public utility, the truer and more common opinion is that it suffices for it to concern a private good and private utility" (PIGNATELLI Consult, vol. I, Consult. 148, n. 9). This common opinion is in accordance with the practice of the Holy See.

9 7. Therefore, it suffices that the cause be private, provided that it is just, that is, of such a nature that it gives the superior the right to grant it. "But what constitutes a just cause is left to the prudence... of the Roman Pontiff... Several Doctors enumerate several such causes, the principal of which can be reduced to the following: a) of souls...

[*Latin ed. p. 736*]

7. Appendix 36. III. Causes for Dispensation: a) A separation, so that the hope of future reconciliation may shine forth; b) A probable fear of a great scandal arising from future discord and quarrels among relatives; c) A probable suspicion of impotence, with the danger of incontinence; d) A civil divorce obtained by the other party, with the danger of incontinence for the innocent party; e) A semi-complete proof of a lack of consent, or of some other impediment; f) A contagious disease supervening; g) The danger of perversion, as if one had contracted marriage with a heretic;

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h) If someone has indeed entered into another marriage from which they cannot otherwise be freed, e.g., a civil marriage. Often, several of these causes occur simultaneously, and in such cases, a dispensation is more easily obtained. It is therefore easily understood that the current jurisprudence of the Sacred Roman Congregation in these cases is as follows: once the non-consummation of the marriage is established beyond doubt, they readily grant a dispensation, because indeed a just cause is usually present (GASPARRI De Matrim., ed. II, n. 102). s c, unless there is a separation of minds. (Followed by) B. Melata.

APPENDIX III. Concerning Marriage by Procurator, Envoy, Interpreter, Letters, Telegraph, and Telephone (i).

QUESTION V. What conditions are required by law for the legitimate constitution of such a procurator?

66. We have shown that this constitution is permissible, let us now see under what laws. In order that the abundance of matters may not obscure clarity, we shall say separately: a) concerning the person constituting, or the mandator; b) concerning the person to be constituted, or the procurator; (i) Cf. Acta S. Sedis, vol. 37, page 410 and 603.

[*Latin ed. p. 737*]

Appendix III c) concerning the reasons for which it is permissible to appoint these procurators; d) concerning the form that must be observed in their appointment; e) concerning the various ways in which the appointment can be made. Following the pattern of the appendix, we inquire further into this entire fifth question: f) whether it is permissible to use the services of procurators for the celebration of a civil marriage.

67. Concerning the person appointing, or the mandator. Before we explain what is established by our law, let us see what was established by Roman law, with regard to those persons who were able to enter into marriage through procurators.

68. St. Paul, in L. n Sentent, Reg. 19, § 5, states: "A man can take a wife while absent, but a woman cannot marry while absent." Pomponius agrees with St. Paul, as is evident from the previously cited passage in c. v, De ritu nupt.: "It is permissible for a woman to marry through letters or a messenger from an absent man, if she were brought into his house; but the woman who is absent cannot be brought by her husband through letters or his messenger." From these words, it is clear that, according to Roman law, it was not permissible to celebrate marriage through a procurator, except for men. This (as the aforementioned Berardi notes in Comm. in ius eccl., T. III, Diss. V) was most appropriately guarded against, so that no opportunity would be given to frauds and circumventions, to which women, due to their weakness, would easily be subject.

69. However, nothing has been established in this matter by canon law.

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Therefore, since it is permissible for everyone to give a mandate, unless they are prohibited, it must be said, all other things being equal, that it should also be permitted for women to appoint a procurator for the celebration of marriages, which, moreover, we believe is also supported by custom. For never (at least as far as we know) has it been denied to women.

70. Therefore, we believe that it is entirely necessary to depart from what is written there by Berardi: "Although the ecclesiastical canons have not expressly established anything in this regard, it is sufficient that nothing has been enacted against it, so that, by a correct interpretation of the law, we can still conclude that the discipline of Roman law remains in force, as long as..."

[*Latin ed. p. 738*]

7 38. The appendix which was abrogated does not demonstrate that it is necessary to preserve the third [canon]. Although we concede that the sacred canons are greatly aided by Roman law, we deny that this is true when it comes to the rite of marriage. For marriage, having been elevated by Christ and having become a sacrament, is governed by one canonical law alone (excluding all others), unless perhaps the canonical law has accepted and canonized some civil law in this regard. Therefore, with regard to marriages, the principle must hold: to be subject to the influence of any civil law only to the extent that it is proven to have been canonized. Which, in the present question, is certainly not true.

7 1. The inconveniences that Roman law sought to avoid, and which Berardi indicates, ultimately lead to the result that marriages, or rather, the celebration of marriages, are less frequently permitted to women and more frequently to men, either through proxies. Which, moreover, is suggested by natural reason itself.

7 2. However, if it is permitted to men as well as women to have a marriage celebrated through a proxy, the question arises whether this faculty is permitted to all men and women indiscriminately. To this question, we respond affirmatively, unless they are prohibited by some additional circumstance. For since marriage is permitted to all, unless they are prohibited, and since, in general, it is permitted to all to perform through others what they can perform themselves, the reason for this answer is now evident.

7 3. It follows, therefore, that the constitution of a proxy is useless when made by children before the age of seven, by the insane, or by persons who are absolutely incapable of contracting marriage, such as solemnly professed monks, etc. For since these individuals are themselves incapable of entering into marriage, they certainly cannot do so through others.

7 4. But what is to be said of those with temporary impediments, such as, for example, age, a non-perpetual vow of chastity, etc.? And the answer is that the constitution of a proxy is valid, provided that the execution of the

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mandate is postponed to a suitable time, for example, after the attainment of puberty, etc. For it is subject to the same law as...

[*Latin ed. p. 739*]

Appendix III. Matrimonia ab eiusmodi personis celebrata, oportet ut valeant per constitutionem procuratoris. 75. Sed quid iuris de illis, quibus nuptiae conceduntur quidem sub ratione validitatis, minime vero sub ratione licetatis, ut consueverunt dicere theologi et iuristae? Et quoad hos, qui obstringuntur impedimento impediente, sed non dirimente, ut, exempli gratia, voto simplici castitatis, etc., statuimus generalis principii instar sustineri constitutionem procuratoris ab eis factam ad coniugium ineundum. Semper enim obtinet regula: Qui per alium facit, per seipsum facere videtur. 76. Nec oportet dubitare quin mandatum rei malae possit sustineri, et sustineatur promissio rei malae et turpis, qualis aestimari debet talis celebratio matrimonii. Nam, verissimum est promissionem rei malae non valere, juxta Regulam 69 in vigore: "In malis promissis fidem non expedit observari," et hinc verissimum est, exempli gratia, esse irrita sponsalia celebrata ab obstricto simplici voto castitatis. Itemque certum est non sustineri mandatum rei per se malae et turpis, cum sit absurdum, ut vinculo iuris (quod ex legitimo mandato nemo ignorat exoriri) devinciatur quis ad rem inhonestam faciendam. Verum in casu aliud iudicium ferendum, cum mandatum versetur circa rem, quae, per se bona, etenus tantum est mala, quia ob singularia adiuncta interdicitur. 77. Res haec illustrari potest exemplo. Fingamus, exempli gratia, Titium duplices mandata dedisse Caio, scilicet emendi antea gladium, et occidendi postea eodem gladio Sempronium. Certo nemo diceret utrumque mandatum esse aeque aestimandum. Nam mandatum occidendi, utpote mandatum rei inhonestae per se, non valet, juxta regulam traditam, exempli gratia, a Voet (Comm. in Pand., l. xvii, tit. i, "De Mandatis vel contra," n. 6): "Mandantur negotia honesta et licita: rei enim turpis nullum est mandatum, nec inde inter mandantem et mandatarium actio datur; adeoque nec mandans ad implementum mandati turpis suscepti vel id quod interest recte contendit, etc."

[*Latin ed. p. 740*]

Appendix 740 III. The precept concerning the buying and selling of swords, since it is a precept concerning something inherently honest and lawful, is rightly maintained, and only becomes dishonest and unlawful due to circumstances added to it. 78. Therefore, the same resolution must be given to the question we are discussing. For the precept of marriage is a precept concerning something inherently honest and lawful. Hence, it is maintained, even though, due to circumstances or an impediment, it is prevented from being lawfully fulfilled.

Charles Lombardi (Follows) Professor at the Pontifical Roman Seminary.

Diary of His Holiness Pope Pius PP. X:

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1. His Holiness has deigned to name the Most Reverend Joseph Calasanctius, Cardinal Vives y Tuto, Protector of the Congregation of the Most Holy Savior and of the Blessed Virgin, commonly known as "de la Souterraine," of the diocese of Lemovicia.

2. His Holiness has deigned to name the Most Reverend Francis, Cardinal Satolli, Archpriest of the Patriarchal Basilica of the Lateran, Protector of the Sisters of the Incarnate Word, of the diocese of St. Anthony of Texas in the United States of America.

3. His Holiness has deigned to name the Most Reverend Joseph Ridolfi, Archbishop and Bishop of Tuder, Apostolic Delegate in Mexico.

4. His Holiness has deigned to include the Most Reverend Michael Lega, Undersecretary of the Holy Congregation of the Council, among the Domestic Prelates.

5. His Holiness has deigned to name the following as Assistants to the Pontifical Chapel: the Reverend Father Mauritius Galimberti, canon of the Patriarchal Basilica of the Lateran; the Reverend Deacon Francis Gazzoli, canon of the Patriarchal Basilica of the Vatican; and the Reverend Subdeacon Francis Santovetti, canon of the Basilica of Liberian.

6. His Holiness has benignly promoted the Reverend Alexander Solari from Secretary of the Apostolic Delegation of Colombia to Auditor of the Apostolic Nunciature of Belgium.

7. Finally, His Holiness has included the Reverend Father Felix Fioretti, Superior General of the Congregation of the Regular Clerics of St. Barnabas, among the Consultors of the Holy Congregation of Rites.

[*Latin ed. p. 741*]

ACTS OF THE ROMAN PONTIFF: ENCYCLICAL LETTER FROM OUR MOST HOLY FATHER POPE PIUS X TO THE BISHOPS OF ITALY, CONCERNING THE CATHOLIC ACTION.

TO THE BISHOPS OF ITALY, PIUS PP. X.

Venerable Brothers, greetings and Apostolic blessing.

The firm purpose, which from the very beginning of Our Pontificate We have conceived, of dedicating all the forces that the goodness of the Lord deigns to grant us to the restoration of all things in Christ, awakens in Our heart a great confidence in the powerful grace of God, without which We cannot think or undertake anything great and fruitful for the salvation of souls here below.

At the same time, however, We feel more than ever the need to be unanimously and constantly assisted in this noble endeavor by you, Venerable Brothers, called to participate in Our pastoral office, by each member of the clergy, and by the individual faithful entrusted to your care. For all of us,

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in the Church of God, are called to form that one body, of which Christ is the head.

*It seems very fitting to append here a literal translation, so that it may be understood faithfully, of this Encyclical Letter, because it was written specifically for the Italians, and although it is of the highest importance for the doctrine contained therein, which is of great weight for Catholics everywhere, it may wonderfully benefit all Catholics.

TO THE BISHOPS OF ITALY, PIUS PP. X.

Venerable Brothers, greetings and Apostolic blessing.

A certain resolve, which We have conceived from the beginning of Our Pontificate, to dedicate all the forces that the goodness of the Lord grants us to the restoration of all things in Christ, excites in Our heart a great confidence in the powerful grace of God, without which We can think or undertake nothing great and abundant for the salvation of souls in this world.

Meanwhile, however, it is all the more necessary that you, Venerable Brothers, called to participate in Our office, assist Us unanimously and constantly...

[*Latin ed. p. 742*]

Letter 742, Encyclical: Christ is a body closely joined together, as the Apostle Paul teaches (1), and well-connected in all its joints, and this through the proportionate operation of each individual member, so that the body itself receives its own increase and is gradually perfected in the bond of charity. And if, in this work of building up the Body of Christ (2), it is our first duty to teach, to point out the right way to follow, and to propose the means to that end, to admonish and exhort paternally, it is also the duty of all our most beloved children, scattered throughout the world, to receive our words, to put them into practice first in themselves, and to cooperate effectively to bring them to fruition also in others, each according to the grace received from God, according to his state and office, according to the zeal that inflames his heart. Here we simply wish to recall those numerous works of zeal for the good of the Church, of society, and of individual persons, commonly designated by the name of Catholic Action, which flourish through the grace of God in every place, and which are also abundant in our Italy. You well understand, Venerable Brothers, how dear these are to us, and how deeply we desire to see them strengthened and promoted. We are called to form one body, for all in the Church of God are called to that which has Christ for its head: a body strictly compact, as the Apostle Paul teaches.

(1) Ephes. i, 16.

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(2) Ib. iv, 12.

[*Latin ed. p. 743*]

Encyclical Letters 74.3. We have discussed this matter repeatedly with many of you, and with the principal representatives of these groups in Italy, on occasions when they personally paid us homage with their devotion and filial affection, but also by publishing, with our authority, various documents on this subject, which you are all already familiar with. It is true that some of these, as circumstances painfully demanded for us, were rather aimed at removing obstacles to the swift progress of Catholic action and at condemning certain undisciplined tendencies, which were insidiously spreading and causing serious harm to the common cause. Nevertheless, it was our desire to address all of you with a word of paternal comfort and encouragement, so that, on the ground which, as far as we are concerned, is cleared of impediments, the good may continue to be built and greatly increased. We are therefore very pleased to do so now with these present letters, for the common consolation, confident that our words will be readily heard and followed by all. The field of Catholic action is vast, and it does not absolutely exclude anything that, in any way, directly or indirectly, belongs to the *Deo acceptam*, according to its state and office, according to the zeal that inflames the heart of anyone. We merely wish to recall the many works of charity for the good of the Church, of society, and of individual persons, which are commonly designated under the name of Catholic action, and which, with God's help, flourish everywhere and are abundant even in our Italy. How dear these works are to us, and how deeply we desire that they be strengthened and promoted, you, Venerable Brothers, know very well. We have not only spoken about these matters often and repeatedly with many of you, but also, when the leaders of these groups themselves were present, offering their homage of devotion and filial love, we also spoke to them on this subject, and we issued various documents with our authority, all of which you are already familiar with. Although some of these, as the sad circumstances demanded, were rather aimed at removing obstacles to the more rapid progress of Catholic action and at condemning certain rash tendencies that were being introduced, which were causing serious damage to the common cause; nevertheless, we desired to address all of you with words of paternal comfort and encouragement.

[*Latin ed. p. 744*]

Letter 744, concerning the mission of the Church: It is readily recognized that the individual contribution to this work is necessary, not only for the sanctification of our souls, but also for the spreading and ever greater expansion of the Kingdom of God among individuals, families, and society, with each one, according to his abilities, seeking the good of his neighbor

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through the dissemination of revealed truth, through the practice of Christian virtues, and through works of charity, both spiritual and corporal. This is the manner of walking worthy of God, to which Saint Paul exhorts us, so that we may please Him in all things, producing fruits of every good work and growing in the knowledge of God: "That you may walk worthy of the Lord, pleasing Him in all things, being fruitful in every good work, and increasing in the knowledge of God" (Colossians 1:10).

Furthermore, there is a great number of goods belonging to the natural order to which the mission of the Church is not directly ordered, but which nevertheless flow from it, as a natural consequence. So great is the light of Catholic revelation that it spreads vividly upon every science; so great is the power of evangelical principles that the precepts of natural law take root more securely and flourish; so effective, finally, is the truth and morality taught, that, as far as is possible for us, good may be diligently accomplished and widely spread. Therefore, it is pleasing to us to accomplish this through these our letters, for the consolation of all, trusting that our words will be received and acted upon by all with docility. The field of Catholic action is vast, and it excludes nothing whatsoever that, in any way, directly or indirectly, pertains to the divine mission of the Church. Therefore, the cooperation of individuals is necessary for the accomplishment of this great work, not only for the sanctification of our souls, but also so that the Kingdom of God may be spread and extended even more among individuals, in families, and in society, with each one, according to his abilities, seeking the good of his neighbor through the dissemination of revealed truth, through the practice of Christian virtues, and through works of charity, both spiritual and corporal. This is the manner of walking worthy of God, to which Saint Paul exhorts us, so that through all things we may please Him, producing fruits of every good work (Colossians 1:10).

[*Latin ed. p. 745*]

The Encyclical Letter 745 addresses Jesus Christ, affirming that the very material well-being of individuals, families, and human society is providentially sustained and promoted. The Church, even while proclaiming Jesus Christ crucified, who is a scandal and foolishness before the world (1), has become the primary inspirer and advocate of civilization; and she has spread it everywhere where the Apostles preached, preserving and perfecting the good elements of ancient pagan cultures, rescuing new peoples from barbarism and educating them in civil society, and imparting to the entire society, albeit gradually, but with a firm and ever-increasing momentum, that distinctive imprint which it still universally retains today. The civilization of the world is a Christian civilization; the more truly, the more enduring, and the more fruitful it is in precious fruits, to the extent that it is more distinctly Christian; it declines, with immense detriment to the common good, to the extent that it deviates from the Christian ideal.

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Therefore, by the very nature of things, the Church has also become, in fact, the guardian and defender of Christian civilization. This fact was recognized and admitted in other centuries of history; indeed, it formed the unshakable foundation of civil laws. This fact underpinned the relationships between the Church and the States, fructifying and growing in the knowledge of God: "That you may be worthy of God in all things, pleasing, having borne fruit and increased in the knowledge of God; being enriched by her, and by her being enriched, you may abound in all good works, fructifying, and increasing." Furthermore, there are many other benefits pertaining to natural order, to which the mission of the Church is not directly ordered, but which nevertheless flow from it as a consequence of its very nature. Such is the light of Catholic revelation, which is diffused into all knowledge; so great is the power of the Gospel commandments, that the precepts of natural law are strengthened and confirmed; and so great is the efficacy of the truth and the moral teachings proposed by Jesus Christ, that the very material happiness of individuals, families, and human society is providentially sustained and promoted. The Church, even while proclaiming Jesus Christ crucified, has become the primary inspirer and advocate of civilization; and she has spread it wherever the Apostles preached, preserving and perfecting the good elements of ancient pagan cultures, rescuing new peoples from barbarism and educating them in civil society, who took refuge in the maternal bosom (1) of the Church.

(1) 1 Corinthians 1:23.

[*Latin ed. p. 746*]

746 The Encyclical Letters publicly acknowledge the authority of the Church in all matters that in any way touch upon conscience, the subordination of all laws of the State to the divine laws of the Gospel, the concord of the two powers, the State and the Church, in thus striving to procure the temporal good of the people, so that the latter may not suffer eternal harm. We need not tell you, Venerable Brothers, what prosperity and well-being, what peace and concord, what respectful subjection to authority, and what excellent government would be obtained and maintained in the world, if the perfect ideal of Christian civilization could be fully realized throughout. But given the constant struggle of the flesh against the spirit, of darkness against light, of Satan against God, this is not to be hoped for, at least not in its fullness. Therefore, continuous assaults are made upon the peaceful achievements of the Church, the more painful and disastrous these are, the more human society tends to be governed by principles opposed to the Christian concept, indeed, to apostatize entirely from God. For this reason, we must not lose heart. The Church knows that the gates of hell shall not prevail against her; but she also knows that she will experience tribulation in the world, that her *apologia integra societati*, gradually indeed, but safely and always progressing, will impress its own distinct mark, which

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it still universally retains. The civilization of the world is Christian civilization; the truer, the more stable, and the more abundant in precious fruits it is, the more purely Christian it is; it declines, with the greatest detriment to the social good, as it withdraws from the Christian ideal. Therefore, by an intrinsic force, the Church has also become the guardian and defender of Christian civilization. This has been recognized and admitted by the most recent centuries of history; indeed, it constitutes a firm foundation for civil legislation. Consequently, relations between the Church and the State are established, with public recognition of the authority of the Church in all matters that refer in some way to conscience, the subordination of all laws of the State to the divine laws of the Gospel, and the concord of both powers, the State and the Church, in striving to procure the temporal good of the people, so that nothing may suffer eternal detriment. It is unnecessary, Venerable Brothers, to show you what prosperity and good, what peace and concord, what obedient subjection to authority, and what excellent government would be held and preserved in the world, if everywhere...

[*Latin ed. p. 747*]

Encyclical letters, like lambs sent among wolves, are dispatched; and it is certain that the followers of Christ will always be filled with hatred and contempt, just as the divine Founder Himself was saturated with hatred and contempt. Therefore, the Church must proceed undeterred, and while spreading the Kingdom of God where it has not yet been proclaimed, it strives by every means to repair the losses in the Kingdom already acquired. To restore all things in Christ has always been the motto of the Church, and it is particularly ours in these anxious times. To restore all things, not in any way, but in Christ; "for those things which are in the heavens, and those which are on earth, are all in Him," the Apostle adds (i). To restore in Christ, not only that which properly belongs to the divine mission of the Church to lead souls to God, but also that which, as we have explained, spontaneously derives from that divine mission, namely, Christian civilization in the entirety of all its elements. And since We are now focusing solely on this last part of the desired restoration, you, Venerable Brothers, can readily see how much help those chosen groups of Catholics provide to the Church, who propose to unite all their forces together, in order that, by every means, a perfect example of Christian civilization may be obtained. But, given the eternal conflict between the flesh and the spirit, darkness and light, Satan and God, it is not to be hoped that this [perfect example] can be achieved in its fullness. For this reason, the continued attacks on the peaceful acquisitions of the Church become all the more bitter and harmful, as human society, adhering to principles opposed to the Christian concept, even strives to turn completely away from God. Nevertheless, for this reason, we must not lose heart. The Church knows that the gates of hell will not prevail against it; but it also foresees that its followers

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will be sent into the world as lambs among wolves, and that its faithful will always be filled with hatred and contempt, just as the divine Founder Himself was. Therefore, the Church proceeds fearlessly, and while spreading the Kingdom of God where it has not yet been proclaimed, and while enduring hatred and contempt, just as the divine Founder was, it strives by all means to repair the damages in the Kingdom already acquired. To restore all things in Christ has always been the sign of the Church, and it is particularly ours in these sad times. To restore all things, not in any way, but in Christ.

(i) Ephesians 1:10.

[*Latin ed. p. 748*]

7° 4°. Litterae Encyclicae: Juste et légalement, la civilisation anti-chrétienne : réparer de toutes manières les désordres très graves qui en découlent ; ramener Jésus-Christ dans la famille, dans l'école, dans la société ; rétablir le principe de l'autorité humaine comme représentant de l'autorité de Dieu ; prendre très à cœur les intérêts du peuple, et en particulier de la classe ouvrière et agricole, non seulement en insufflant dans le cœur de tous le principe religieux, unique et véritable source de consolation dans les épreuves de la vie, mais aussi en s'efforçant d'essuyer leurs larmes, d'adoucir leurs peines, d'améliorer leur condition économique par des mesures bien conçues ; s'efforcer donc que les lois publiques soient conformes à la justice, et que celles qui s'opposent à la justice soient corrigées ou supprimées ; défendre enfin et soutenir avec un esprit véritablement catholique les droits de Dieu dans toute chose, et ceux non moins sacrés de l'Église. L'ensemble de ces œuvres, soutenues et promues en grande partie par le laïcat catholique et variées selon les besoins propres de chaque nation et les circonstances particulières dans lesquelles se trouve chaque pays, est précisément ce qui, avec un terme plus particulier et certainement plus noble, est communément appelé action catholique, ou action des catholiques. "Cumque modo, sed in Christo ; quae in caelis, et quae in terra sunt, in ipso," dit l'Apôtre : Restaurer la mission de l'Église en Christ, non seulement ce qui appartient proprement au divin, c'est-à-dire conduire les âmes à Dieu, mais aussi ce qui, comme nous l'avons dit, découle spontanément de cette même mission divine, à savoir la civilisation chrétienne dans tous et en chacun de ses éléments constitutifs. Et puisque nous ne pouvons traiter que de la dernière partie de cette restauration désirée, vous savez, très révérends frères, comment les armées catholiques, choisies par Dieu, peuvent aider l'Église, celles qui se proposent de réunir toutes leurs vives forces pour combattre de tous les moyens justes et légaux la civilisation anti-chrétienne ; pour réparer de toutes manières les désordres très graves qui en découlent ; pour ramener une fois de plus Jésus-Christ dans la famille, dans l'école, dans la société ; pour rétablir le principe de l'autorité humaine comme

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représentant de l'autorité de Dieu ; pour prendre très à cœur les intérêts du peuple, en particulier de la classe ouvrière et agricole, non seulement en insufflant dans le cœur de tous le principe religieux, unique et véritable source de consolation dans les épreuves de la vie, mais aussi en s'efforçant d'essuyer leurs larmes, d'adoucir leurs peines, d'améliorer leur condition économique.

[*Latin ed. p. 749*]

The Encyclical Letters, in all times, have always come to the aid of the Church, and the Church has always favorably received and blessed this aid, although, according to the times, it has been expressed in various ways. And it is indeed to be noted here immediately that not everything that was useful, or indeed effective, in past centuries, can today be restored in the same way; so many radical changes creep into society and public life as time passes, and so many new needs are constantly arising from changing circumstances. But the Church, throughout the long course of its history, has always and in every case demonstrated luminously that it possesses a wonderful virtue of adaptation to the variable conditions of civil society, so that, always preserving the integrity and immutability of faith and morals, and equally preserving its most sacred rights, it easily yields and adapts to all that is contingent and accidental to the events of the times and to the new needs of society. Piety, says St. Paul, is useful for all things, striving to turn the divine promises to better account, and therefore to obtain that public laws may be strengthened, and that those things which are contrary to justice may be corrected or suppressed; finally, to defend and maintain in all things the Catholic rights of God and the rights of the Church, which are no less sacred. The sum of these works, which are often undertaken and promoted, and in various ways devised, by the Catholic laity for the specific needs and particular circumstances of each nation, is rightly and most nobly called the Catholic Action, or the Action of Catholics. This, in all times, has always been of aid to the Church, which has always gladly received and blessed this aid, although it has been expressed in various ways according to the times. Indeed, it must be noted immediately that not everything that was useful, or indeed effective, in past centuries, can today be restored in the same way; so many radical changes creep into society and public life as time passes, and so many new needs are constantly arising from changing circumstances. But the Church, throughout the long course of its history...

[*Latin ed. p. 750*]

These letters, which are now Encyclical, and those of the future (i). Moreover, the Catholic Action, if it suitably changes its external forms and the means it employs, always remains the same in the principles that direct it and in the most noble end that it proposes. However, in order that it may

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truly be effective at the same time, it is necessary diligently to observe the conditions that it itself imposes, if its nature and its end are well considered. First of all, the instrument must be deeply rooted in the heart, for it fails if it is not suited to the work that is to be accomplished. The Catholic Action (as is evident from the aforementioned things), since it proposes to restore all things in Christ, constitutes a true apostolate for the honor and glory of Christ Himself. To accomplish it well, divine grace is required, and this is not given to the apostle who is not united to Christ. Only when we have formed Jesus Christ in ourselves, can we more easily restore Him to families, to society. Therefore, those who are called to direct or who dedicate themselves to promoting the Catholic movement must be Catholics without exception, convinced of their faith, solidly instructed in the things of religion, sincerely obedient to the Church, and must clearly demonstrate to themselves the wonderful virtue of adaptation that resides in them, so that, while always preserving the integrity and immutability of faith and morals, and equally preserving their most sacred rights, they may easily yield and adapt themselves to all those things that are contingent and accidental, to the vicissitudes of time and to the new needs of society. Piety, says St. Paul, adapts itself to all things, holding forth the divine promises, both for the present life and for the future: "Piety, indeed, is useful to all things, having the promise of this life, and of that which is to come." Therefore, even the Catholic Action, if it is suitably changed with regard to its external forms and the means by which it uses, always remains the same in the principles that direct it and in the most noble end that it proposes. However, in order that it may be truly effective at the same time, it is necessary diligently to know the conditions that it itself imposes, especially considering its nature and its end. First of all, the instrument must be deeply fixed in the heart, for it fails unless it is made suitable for the work that is to be accomplished. The Catholic Action (as is evident from the aforementioned) (i) 1 Timothy 1:8.

[*Latin ed. p. 751*]

The Encyclical Letters, especially those addressed to this supreme Apostolic See and to the Vicar of Jesus Christ on earth, are filled with true piety, manly virtues, pure customs, and a life so immaculate that they serve as an effective example to all. If the soul is not so tempered, it will not only be difficult to promote good in others, but it will almost be impossible to proceed with a righteous intention, and strength will be lacking to persevere in enduring the annoyances that accompany every apostolate, the calumnies of adversaries, the coldness and lack of cooperation of even well-meaning people, and sometimes even the jealousies of friends and fellow workers, which are undoubtedly excusable, given the weakness of human nature, but which are nonetheless greatly prejudicial and a cause of discord, friction, and domestic quarrels. Only a virtue that is patient and steadfast in

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good, and at the same time gentle and delicate, is capable of removing or diminishing these difficulties, so that the work to which the forces of Catholics are dedicated is not compromised.

As Saint Peter said to the early believers, "Let your good works shine, that they may shut the mouths of the foolish": "Sic est voluntas Dei, ut bene facientes obmutescere faciatis ignorantiam" (1 Peter 2:15). For God wills that all things be restored in Christ, and true apostolate is established for the honor and glory of Jesus Christ. Divine grace is required to fulfill this properly, and this grace is not given to the apostle who is not united with Christ. When we have formed Jesus Christ within ourselves, then we will be able more easily to restore Him to families and society. Therefore, all those who are called to govern or who dedicate themselves to promoting the Catholic action must be staunch Catholics, convinced of their own faith, rightly instructed in matters of religion, and sincerely obedient to the Church, and especially to this supreme Apostolic See and to the Vicar of Jesus Christ on earth; adorned with true piety, endowed with outstanding virtues, possessing integrity of morals, and living a life so immaculate that they serve as an effective example to all.

[*Latin ed. p. 752*]

Letter 752, Encyclical: It is also necessary to clearly define the works concerning which all the energies and constancy of Catholics must be expended. These works must be of such evident importance, so responsive to the needs of modern society, so conducive to moral and material interests, especially those of the people and the underprivileged classes, that, while they inspire the greatest zeal in those promoting Catholic action for the great and certain fruit they promise, they are also easily understood and willingly embraced by all. Precisely because the serious problems of modern social life demand a prompt and secure solution, everyone is keenly interested in knowing and understanding the various ways in which these solutions are proposed in practice. Discussions, for or against, multiply more and more each day and spread easily through the press. It is therefore supremely necessary that Catholic action seize the opportune moment, advance boldly, and also propose its own solution, and make it effective through firm, active, intelligent, and disciplined propaganda, such that it directly opposes the opposing propaganda. The goodness and justice of Christian principles, the upright morality professed by Catholics, are, through the zealous friendship of their own members, placed in action, and, although they may seem weak, they nevertheless bring great prejudice and are the cause of discord, offense, and domestic strife. Only patience and firmness in good works, and delicacy in bearing these things, can help the Catholic cause to overcome these difficulties, so that the work, which lacks strength, may succeed. "It is the will of God," St. Peter said to the first believers, "that by doing good, you may silence the ignorance of

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foolish men." Thus is the will of God... It is also important to properly define the works concerning which the forces of Catholics must diligently and steadfastly labor. These works must be of such importance, so responsive to the needs of modern society, so suited to the moral and material good of the people, especially the proletariat, that, while they inspire the best zeal in those promoting Catholic action because of the great and certain fruit they promise, they are also easily understood and willingly accepted by all. Because the serious problems of modern social life demand a solution, everyone is keenly interested in knowing and understanding...

[*Latin ed. p. 753*]

The Encyclical Letters, 7, 53, clearly demonstrate a complete disregard for personal interests, openly and sincerely desiring only the true, solid, and supreme good of others; and, finally, their evident capacity to promote, even better than others, the true economic interests of the people, make it impossible not to impress the minds and hearts of those who hear them, and to increase their ranks, until they become a strong and united body, capable of bravely resisting the opposing current and holding their adversaries in awe. Our Predecessor of blessed memory, Leo XIII, fully recognized this supreme need, pointing out, especially in the memorable Encyclical *Rerum Novarum* and in other subsequent documents, the object around which the Catholic action must primarily be developed, namely, the practical solution, according to Christian principles, of the social question. We too, following these wise guidelines, with our Motu Proprio of December 18, 1903, have given to the Christian popular action, which in itself encompasses the entire Catholic social movement, a fundamental organization that would serve as the practical rule of common work and the bond of concord and charity. Therefore, and for this purpose, it is most holy and necessary to know the various ways in which solutions are proposed and implemented. Discussions, interpreted in different ways, multiply more and more each day and are easily disseminated through the art of printing. Therefore, it is most necessary that Catholic action seize the opportunity, boldly advance, and also propose its own solution, making it effective through a firm, enthusiastic, insightful, and orderly dissemination, so that it directly opposes the dissemination of opposing views. The goodness and justice of Christian principles, the rule of conduct that Catholics follow, the disregard for personal interests, the open and sincere desire for the supreme good of others, and the evident capacity of these principles to promote, even better than others, the true economic interests of the people, cannot fail to impress the minds and hearts of those who hear them, and to increase their ranks, so as to form a strong and united body, capable of bravely resisting the opposing current and holding their adversaries in awe. This supreme need was fully understood by our Predecessor, Leo XIII, of blessed memory, who pointed out, especially in the celebrated Encyclical

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Rerum Novarum and in other subsequent documents, the object around which the Catholic action must primarily be developed.

[*Latin ed. p. 754*]

Encyclical letters must, above all, unite and strengthen Catholic works, which are varied and numerous in form, but all equally aimed at effectively promoting the same social good. But for this social action to be maintained and to flourish with the necessary cohesion of the various works that compose it, it is supremely important that Catholics proceed with exemplary concord among themselves; which, moreover, will never be achieved unless there is unity of purpose in all. There can be no doubt whatsoever about this necessity; the teachings given by this Apostolic See are so clear and open, the living light that the most distinguished Catholics of every nation have shed around them with their writings is so evident, and the laudable example that has been repeatedly proposed, even by ourselves, of Catholics from other nations is so striking, who, precisely because of this concord and unity of purpose, have in a short time obtained fruitful and very consoling results. To ensure its attainment, among the various works equally worthy of praise, an institution of a general nature has proven singularly effective elsewhere, which, under the name of "Popular Union," is intended to bring together Catholics of all social classes, but especially to provide a practical solution to the social question. We, therefore, following the wise norms of the year 1903, by Our own initiative of December 18th, have established a fundamental order for the Christian popular action, which encompasses the entire Catholic social movement, an order that should serve as a practical norm for common action and as a bond of concord and charity. Therefore, and for this most sacred and necessary purpose, the various works, varied and numerous in form, must above all be strengthened, but all equally directed to effectively promoting the same social good. But in order that this social action may be preserved and flourish with the necessary cohesion of the various works that constitute it, it is supremely important that Catholics proceed with exemplary concord among themselves; which, moreover, will never be achieved unless there is unity of purpose in all.

[*Latin ed. p. 755*]

The Encyclical Letters serve as a common center for the people regarding doctrine, propaganda, and social organization. Indeed, because they respond to a need felt almost in every country, and because their simple constitution arises from the very nature of things, which are found in the same way everywhere, it cannot be said that they belong more to one nation than to another, but to all, where the same needs are manifested and the same dangers arise. Its great popularity makes it easily beloved and acceptable, and it does not disturb or hinder any other institution, but rather

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gives strength and cohesion to all institutions, because with its strictly personal organization, it encourages individuals to enter into particular institutions, trains them in practical and truly beneficial work, and unites the minds of all in a single sentiment and will. Once this social center is established, all other institutions of an economic nature, intended to practically resolve and, in their various aspects, the social problem, are spontaneously grouped together in the general purpose that unites them, while, according to the various needs to which they are applied, they take on different forms and different means.

With such unity of purpose and counsel, abundant and very joyful fruits have been obtained in a short time. However, in order that these may be more securely attained, another very effective work of the Popular Union aims to gather Catholics of every kind, and, above all, a truly general institution, worthy of countless praise, which brings together multitudes from all social classes within a common center of doctrine, dissemination, and social organization. Indeed, because it responds to a need felt almost everywhere, and because its simple constitution flows from the very nature of things, which are found in the same way everywhere, it cannot be said that it belongs more to one nation than to another, but to all, where the same needs are manifested and the same dangers arise. Its great popularity makes it readily beloved and acceptable, and it does not disturb or hinder any other institution, but rather gives strength and cohesion to all institutions, because with its strictly personal organization, it encourages individuals to enter into particular institutions, trains them in practical and truly beneficial work, and unites the minds of all in a single sentiment and will.

[*Latin ed. p. 756*]

The Encyclical letters conclude, as is required by the particular purpose of each. And here, We are pleased to express Our satisfaction for what has already been accomplished in this area in Italy, with the hope that, with divine help, even more will be achieved in the future, strengthening the good that has been obtained and expanding it with ever-increasing zeal. In this regard, the Work of Congresses and Committees of Catholics has rendered great service, thanks to the intelligent activity of the distinguished men who directed it and who were entrusted with or still direct these particular institutions. Therefore, this center or union of works of an economic nature, as We expressly preserved upon the cessation of the aforementioned Work of Congresses, must also continue in the future under the diligent direction of those who are entrusted with it. Nevertheless, for Catholic action to be effective in every respect, it is not enough that it be proportionate to the social needs of today; it is also necessary that it be carried out with all those practical means that progress in social and economic studies, experience already gained elsewhere, the conditions of civil society, and even the

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public life of the states place at its disposal. Otherwise, there is a risk of proceeding blindly within this social center, while all other institutions of an economic nature, spontaneously and in every way fulfilling the various and diverse purposes destined to address the social question, will, in the end, be united in a general framework, although they assume various forms, as is appropriate to the particular purpose of each. Heic autem Nobis gratum est Nostram satisfactionem significare ob multa quae hac in parte iam effecta sunt, in Italia, certa spe freti, posito divino auxilio, etiam plura factum iri in posterum, bona obtenta roborando eaque maiori sem per zelo diffundendo. Hac de re optime meruit Opus Conventuum et Comitatum catholicorum, propter miram alacritatem praeclarorum virorum qui illud dirigebant, et qui eisdem peculiaribus institutionibus praepositi fuerunt aut eas adhuc dirigunt. Ideoque hoc centrum seu unio operum indolis oeconomicae, uti a Nobis expresse servatum fuit cessante praedicto Opere Congressuum, ita etiam in posterum prosequetur sub solerti directione eorum qui eidem praepositi sunt. Nihilominus, ut catholica actio undequaque sit efficax, minime sat est quod ipsa par sit hodiernis socialibus necessitatibus; oportet etiam ut omnibus...

[*Latin ed. p. 757*]

The Encyclical Letters, in these times searching for new and uncertain things, while the good and certain things are in hand and have already proven their worth; or, to propose institutions and methods proper, perhaps, to other times, but which are not understood by the people today; or, finally, to stop halfway, not making use, to the extent permitted, of those civil rights which the present civil constitutions offer to all, and therefore also to Catholics. And, stopping at this last point, it is certainly true that the present order of the States offers to all, without distinction, the faculty of influencing public affairs, and Catholics, except for the obligations imposed by divine law and the prescriptions of the Church, can, with a safe conscience, avail themselves of these, in order to show themselves as fit, indeed, better than others, to cooperate for the material and civil well-being of the people, and thus to acquire that authority and respect, which will enable them also to defend and promote the higher goods, which are those of the soul. These civil rights are many and of various kinds, up to that of participating directly in the political life of the country, representing the people in the legislative assemblies.

Grave reasons dissuade us, Venerable Brothers, from deviating from that norm already decreed by Our Predecessor: *quae eidem hodie suppetantur progressus studiorum socialium et oeconomicorum, experientia alibi iam facta, conditiones civiles cum sortiti, ipsa vita publica Statuum*. Otherwise, there is a danger of wandering long in uncertainty, seeking new and dangerous things, when safe and certain things are held in hand and have already proven themselves; or of proposing institutions and meth-

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ods proper, perhaps, to other times, which are now not understood by the people; or, finally, of abandoning the work, making the least use of those civil rights which the present civil institutions offer to all, and therefore also to Catholics. And, as we pause in this last argument, it is certain that the present order of the States offers to all, without distinction, the faculty of influencing public affairs, and Catholics, except for the obligations imposed by divine law and the prescriptions of the Church, can, with a safe conscience, avail themselves of these, in order to show themselves as fit, indeed, better than others, to cooperate for the material and civil well-being of the people, and thus to acquire that authority and respect, which will enable them also to defend and promote the higher goods, which are those of the soul. These civil rights are many and of various kinds.

[*Latin ed. p. 758*]

758 The Encyclical Letters of Our Most Holy Predecessor, Pope Pius IX, and subsequently those of Our other Predecessor of Most Holy Memory, Pope Leo XIII, during his long pontificate, according to which, in general, the participation of Catholics in the legislative power remains prohibited in Italy. However, other reasons, equally grave, derived from the supreme good of society, which must be preserved at all costs, may require that, in particular cases, a dispensation from the law be granted, especially when You, Venerable Brothers, recognize the pressing necessity of this for the good of souls and the supreme interests of your Churches, and request it. Now, the possibility of this benevolent concession of Ours induces in all Catholics the duty to prudently and seriously prepare themselves for political life, when they are called to it. Therefore, it is very important that that same activity, already commendably carried out by Catholics to prepare themselves with a good electoral organization for the administrative life of the municipalities and provincial councils, also be extended to preparing themselves suitably and organizing themselves for political life, as was appropriately recommended by the Circular of December 3, 1904, from the General Presidency of Economic Works in Italy. At the same time, they must instill and rightly participate in the political life of the nation, representing the people in the legislative halls. Very serious reasons dissuade Us, Venerable Brothers, from departing from that norm previously decreed by Our Predecessor, Pope Pius IX of Most Holy Memory, and subsequently followed by Our other Predecessor, Pope Leo XIII of Most Holy Memory, during his long pontificate, according to which, in Italy, the participation of Catholics in the legislative power generally remains prohibited. Nevertheless, other reasons, equally grave, derived from the supreme good of society, which must be preserved in every way, may require that, in particular cases, a dispensation from the law be granted, especially when You, Venerable Brothers, consider this to be most necessary for the salvation of souls and the supreme interests of your Churches, and request a dispen-

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sation. The possibility of this benevolent concession of Ours induces in all Catholics the obligation to prudently and wisely prepare themselves for political life, when they are called to it. Therefore, it is very important that that same zeal, already commendably employed by Catholics to prepare themselves with a good electoral organization for the administrative life of the municipalities and provincial councils, be extended to preparing and organizing themselves for political life, as was also appropriately recommended.

[*Latin ed. p. 759*]

Venerable Brothers, the Encyclical Letters should guide in practice the highest principles that govern the conscience of every true Catholic. He must remember above all things to be, in every circumstance, and to appear truly Catholic, entering into public offices and exercising them with a firm and constant purpose to promote, to the utmost, the social and economic good of the homeland and, particularly, of the people, according to the principles of a distinctly Christian civilization, and at the same time to defend the supreme interests of the Church, which are those of religion and justice. These are, Venerable Brothers, the characteristics, the object, and the conditions of Catholic action, considered in its most important part, which is the solution of the social question, a matter worthy of the utmost energy and constancy from all Catholic forces. However, this does not preclude the encouragement and promotion of other works of various kinds and of different organization, but all equally directed towards this or that particular good of society and the people, and towards the restoration of Christian civilization under various specific aspects. These works usually arise thanks to the zeal of particular individuals and spread in the individual dioceses, and sometimes are grouped into more extensive federations. Now, referring to the Circular Letters of December 3, 1904, from the General Presidency of Economic Works in Italy. Simultaneously, the principles that must be instilled so that they may be observed in practice by every true Catholic are these: first, to be, at all times, and to appear truly Catholic, entering into public offices and exercising them with a firm and constant purpose to promote, to the utmost, the social and economic good of the homeland and, particularly, of the people, according to the norms of a truly Christian civilization, and at the same time to defend the supreme rights of the Church, which are the same as those of religion and justice.

[*Latin ed. p. 760*]

Letter 760: Encyclical. Preaching is commendable, and if it proposes laudable aims, adheres to sound Christian principles, and employs just means, then it is also to be praised and encouraged in every way. And it must also be granted a certain freedom of organization, for it is impossible that, where many people come together, all should be molded in the same

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pattern or be directed by a single authority. Furthermore, the organization must arise spontaneously from the works themselves; otherwise, there will be well-designed buildings, but lacking a real foundation, and therefore entirely ephemeral. It is also necessary to take into account the nature of the individual populations. Different customs and tendencies manifest themselves in different places. What is important is that work be done on a solid foundation, with firmness of principles, with zeal and constancy, and if this is achieved, the manner and form that the various works take are and remain accidental. Finally, in order to renew and increase the necessary zeal in all Catholic works indiscriminately, and to offer the promoters and members of the same an opportunity to see and know each other, to strengthen more and more the bonds of fraternal charity among themselves, and to encourage each other with ever greater zeal, let them strive together in federations. Indeed, if the end is worthy of praise, if the Christian principles that are followed are sound, and if the means employed are just, then these endeavors themselves are to be praised and encouraged in every way. To these, a certain freedom of organization must be granted, since it is not possible that, where many people come together, all should strive to conform to the same pattern or be arranged under a single direction. The organization, moreover, must arise spontaneously from the works themselves; otherwise, well-constructed buildings will be had, but lacking a real foundation, and therefore entirely ephemeral. The nature of the individual populations must also be taken into account. Different customs and tendencies manifest themselves in different places. What is important is that work be done on a solid foundation, with firmness of principles, with zeal and perseverance, and if these are achieved, the manner and form that the various works take are and remain accidental. Finally, in order to renew and increase the necessary zeal in all Catholic works indiscriminately, and to offer the promoters and members of the same an opportunity to see and know each other, to strengthen more and more the bonds of fraternal charity among themselves, and to encourage each other with ever greater zeal.

[*Latin ed. p. 761*]

The Encyclical Letters 761, the one with ever-increasing zeal for effective action, and to provide for the best solidity and dissemination of these very works, it will be of great benefit to celebrate, from time to time, according to the norms already given by this Holy See, the general or partial congresses of Italian Catholics, which must be the solemn manifestation of the Catholic faith and the common feast of concord and peace. It remains for us, Venerable Brothers, to touch upon another point of utmost importance, and that is the relationship that all the works of the Catholic Action must have with ecclesiastical authority. If the doctrines that we have expounded in the first part of these Our Letters are well considered, it will easily be

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concluded that all those works which directly serve the spiritual and pastoral ministry of the Church, and which propose a religious end for the good of souls, must in every respect be subordinate to the authority of the Church, and therefore also to the authority of the Bishops, who are placed by the Holy Spirit to govern the Church of God in their assigned dioceses. But also the other works, as we have said, which are primarily instituted to restore and promote in Christ true Christian civilization, and which constitute, in the aforementioned sense, Catholic Action, can in no way be conceived independently of the counsel and supreme direction of ecclesiastical authority.

[*Latin ed. p. 762*]

762 Encyclical letters, which, in the sense explained, constitute the action of the Catholics, cannot in any way be conceived as independent of the counsel and high direction of ecclesiastical authority, especially since they must all conform to the principles of Christian doctrine and morality; much less is it possible to conceive of them as being in more or less open opposition to the same authority. It is certain that such works, given their nature, must be undertaken with due and reasonable freedom, and those who undertake them are responsible for their actions, especially in temporal and economic matters, and in those of public administration or politics, which are alien to the purely spiritual ministry. But since Catholics always raise the banner of Christ, they thereby raise the banner of the Church, and it is therefore fitting that they receive it from the hands of the Church, that the Church safeguard its immaculate honor, and that Catholics submit to this maternal vigilance, as docile and loving children. For this reason, it is manifest how ill-advised are those, though few in number, who here in Italy and under Our very eyes, have dared to undertake a mission which they did not receive from Us, nor from any other of Our Brothers in the episcopate, and who have sought to promote it, not only without due obedience to authority, but even openly against its will, seeking to legitimize their rebellion with frivolous distinctions. And they themselves, raising the banner in the name of Christ, from it...

[*Latin ed. p. 763*]

The Encyclical Letters, number 763, concerning the Episcopate, and if anyone should attempt to promote them, not only without due obedience to authority, but even openly against the will of that authority, seeking to legitimize their disobedience with frivolous distinctions. They also claimed to raise a banner in the name of Christ; but that banner could not be of Christ, because it did not bear within its folds the doctrine of the Divine Redeemer, which also applies here: "He who hears you, hears me; and he who rejects you, rejects me" (1); "He who is not with me, is against me; and he who does not gather with me, scatters" (2); a doctrine, therefore,

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of humility, of submission, of filial respect. With extreme sorrow of our heart, we have had to condemn such a tendency and decisively halt the pernicious movement that was already forming. And our sorrow was all the greater because we saw a considerable number of young men, very dear to us, being carelessly led down this false path, many of whom possessed keen intellect, fervent zeal, and were capable of effectively doing good, if they were rightly guided. While we point out to all the correct standard of Catholic action, we cannot conceal, Venerable Brothers, the not insignificant danger to which the clergy are now exposed, due to the circumstances of the times; for they give too much weight to material goods of the people, and conversely, they do not take the sacred duties of their ministry with sufficient seriousness.

(1) Luke 10:16.

(2) Ibid. 11:23.

[*Latin ed. p. 764*]

The 7th section of the Encyclical addresses the clergy today, and it concerns giving excessive importance to the material interests of the people, while neglecting those that are far more important, namely, the sacred duties of their ministry. The priest, elevated above other men to fulfill the mission entrusted to him by God, must likewise remain above all human interests, all conflicts, and all classes of society. His proper sphere is the Church, where, as God's ambassador, he preaches the truth and, together with reverence for the rights of God, instills respect for the rights of all creatures. By acting in this way, he is not subject to any opposition; he does not appear to be a partisan, a supporter of some, an adversary of others; nor, in order to avoid the clash of certain tendencies or to avoid irritating the minds of those offended in many matters, does he expose himself to the danger of concealing or suppressing the truth, thereby failing in his duties in either case; moreover, since he often has to deal with material matters, he could become involved in obligations that are harmful to himself and to the dignity of his ministry. Therefore, he should not participate in associations of this kind, unless after mature consideration, with the consent of his own Bishop.

Sacerdos, super coeteris hominibus elevatus ad explendam a Deo receptam missionem, item consistere debet supra omnibus humanis rebus, conflictis omnibus, omnibus societatis coetibus.

The priest, elevated above all other men to fulfill the mission received from God, must also remain above all human affairs, all conflicts, and all groups of society. His proper sphere is the Church, where, as God's ambassador, he preaches the truth and, together with reverence for the rights of God, instills respect for the rights of all creatures. By acting in this way, he is not subject to any opposition; he does not appear to be a partisan, a supporter of some, an adversary of others; nor is he exposed to the danger

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of concealing or suppressing the truth in order to avoid the impact of certain tendencies or to avoid offending the minds of those offended in many matters, thereby failing in his duties in either case; moreover, since he often has to deal with material matters, he could become involved in obligations that are harmful to himself and to the dignity of his ministry. Therefore, he should not participate in associations of this kind, unless after mature consideration, with the consent of his own Bishop, and only in those cases in which his cooperation is free from any danger and is clearly beneficial. In this way, the zeal of the priest is not diminished.

The true apostle must be all things to all men, that he may save all: "For as the divine Redeemer, as He Himself said, seeing the crowds so afflicted, lying down like sheep without a shepherd,..."

[*Latin ed. p. 765*]

Encyclical letters, 76S, are to be used only in those cases in which their assistance is free from all danger and proves to be of evident benefit. And in this way, zeal is not at all restrained. The true apostle must become all things to all men, that he may save all (1): just as the Divine Redeemer, he must feel his very soul moved by pity, beholding the afflicted and harassed, lying almost as sheep without a shepherd (2). Therefore, through the effective dissemination of writings, through the lively exhortation of the word, and through direct cooperation in the aforementioned cases, let him strive, within the limits of justice and charity, to improve also the economic condition of the people, favoring and promoting those institutions that lead to this end, especially those that aim to properly discipline the multitudes against the encroaching dominion of socialism, and that at the same time protect them from both economic ruin and moral and religious downfall. In this way, the assistance of the clergy to the works of the Catholic Action aims at a highly religious goal, and will never be an impediment, but rather will be an aid to its spiritual ministry, extending its scope and multiplying its fruit. Here, Venerable Brothers, is what We wished to explain and impress upon you concerning the Catholic Action that must be supported and promoted. Effective dissemination of writings, lively exhortation of the voice, in the aforementioned cases, direct cooperation, let him strive, to improve within the limits of justice and charity, also the economic condition of the people, favoring and promoting those institutions that aim at this, especially those that propose the end of properly ordering the multitudes against the encroaching dominion of socialism, and that protect them both from economic ruin and from moral and religious downfall. In this way, the assistance of the clergy to the works of Catholic Action aims at a supremely religious end, and will never be an impediment, but rather will be an aid to its spiritual ministry, extending its scope and multiplying its fruit. Therefore, Venerable Brothers, these are the things that We wished to explain and impress upon you concerning the

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Catholic Action that must be supported and promoted in our Italy. – It is not enough to desire the good; it is necessary that we put it into practice. To this end, your immediate exhortation and paternal counsel will be of the greatest help. (1) 1 Corinthians 10:22. (2) Matthew 9:36.

[*Latin ed. p. 766*]

Letter 766, Encyclical, concerning our Italy. — It is not enough to point out what is good; it is necessary to put it into practice. In this, your exhortation and your paternal, immediate encouragement to do good will certainly be of great help. Let the principles be humble, provided that one truly begins; divine grace will make them grow and flourish in a short time. And let all our beloved sons, who dedicate themselves to the Catholic Action, hear again the words that so spontaneously flow from our heart. In the sorrows in which we are surrounded every day, if there is any consolation in Christ, if any comfort is offered to us through your charity, if there is communion of spirit and bowels of compassion, then, as the Apostle Paul says (1), "fulfill my joy by your concord, by your identical charity, by your unanimous feeling, by compassion, and with humility and due affection, not seeking your own comfort, but the common good, and let those same sentiments that Jesus Christ, our Savior, held within Himself, be nourished in your hearts." Let Him be the beginning of every one of your endeavors: "Whatever you say or do, let all be done in the name of the Lord Jesus Christ" (2); let Him be the end of every one of your actions: "For through Him, and by Him, and for Him are all things; to Him be glory forever." And on this most joyous day, (1) Philippians, 1:1-5. (2) Colossians, 3:17.

[*Latin ed. p. 767*]

Encyclical Letter 767. On this most auspicious day, which commemorates the Apostles, when, filled with the Holy Spirit, they departed from the Cenacle to preach the Kingdom of Christ to the world, may the virtue of the same Spirit also descend upon you all, and may it bend what is rigid, warm the cold hearts, and guide what is astray back to the right path: "Flecte quod est rigidum, fove quod est rigidum, rege quod est devium." Under the auspices of divine favor and as a pledge of our most special affection, may the Apostolic Blessing be bestowed upon you, Venerable Brothers, your clergy, and the Italian people, which we impart from the depths of our heart. Given in Rome, near St. Peter's, on the feast of Pentecost, June 1, 1905, in the second year of Our Pontificate. PIUS PP. X. (i) Romans xi, 36.

[*Latin ed. p. 768*]

Allocution 768. ADDRESS which Pope Pius X delivered to young Catholics of Poland (i). Most Venerable Brother, I offer you my heartfelt gratitude for the eloquent address you have given, which has brought joy and solace to my heart by presenting these beloved sons before Us. For youth is always, and especially, dear to Our heart, and it is impossible to

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fully express how much joy it brings Us to see the young people of the Polish nation, whose glorious deeds are so well remembered, and whose great devotion and trust in this Holy See We have recognized. These brothers are those who, as you so eloquently recalled, at the beginning of the 20th century, inflamed with fervent religious zeal, gathered together to fight in Syria and Palestine, to reclaim the places consecrated by the most holy mysteries of our Redemption! and to convert the enemies of the Christian name to the Catholic faith. These sons are the descendants of those fathers who, when Europe was threatened by the onslaught of powerful enemies, stood as the first line of defense, protecting their homeland with courage in the early battles: they were the most ardent defenders of religion and civil order, and the most faithful guardians of the faith. These are young men who, mindful of the errors of the age and the examples of their ancestors, strive earnestly for all that is worthy of Christian praise, and their greatest concern is to benefit others by their example, so that many may join them in the pursuit of all that is honest. And as We see, beloved sons, that you are not degenerating from the virtues of your fathers, We commend your excellent qualities in every way, and We also encourage you to pursue with all your might that glory which will be achieved by proving your faith in God and the Church (i). On April 24, 1905, His Holiness received in private audience young Catholic students who were about to undertake their first journey to Poland, and responded to the address of the Bishop of Lviv (N. R.).

[*Latin ed. p. 769*]

The following is contained in Allocution 769. And if you persevere faithfully in this path, we have no doubt that the light of your example will be of great benefit, so that more may be aroused by it, and those who are distressed by the errors of the world, moved by their sad condition, may join themselves to you and strive to emulate your eagerness in the good fight. We are confident that you will successfully achieve all of these things, thanks to the docility of your minds, especially since we know your directors and teachers, many of whom we are pleased to see present, are united in their efforts and counsel, and are employing all that is within them to strengthen and support the minds of you all in the duties of the Catholic profession. Therefore, to you, chosen young men, and to your excellent teachers, and to you in particular, Venerable Brother, who have all assisted Us with singular charity, we express our heartfelt gratitude, and we also ask that you may testify to our paternal benevolence to your citizens, whom we hold as most dear, as beloved sons; and to you all, and to your families, and to the entire Polish nation, we impart, from the depths of our heart, the Apostolic blessing of heavenly favors.

PIUS PP. X

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[*Latin ed. p. 770*]

770 From the Secretariat of State. A Letter from the Cardinal Secretary of State concerning the Vatican Edition of the Gregorian Liturgical Books. To the Most Reverend Father,

The preparatory work of the Pontifical Commission for the Vatican Edition of the Gregorian Liturgical Books highlights the numerous advantages that a simplification in the compilation process would offer, in order to make the results obtained thus far from the initiated reform of Gregorian Chant more fruitful.

Therefore, the Holy Father, after once again bestowing deserved praise upon the Benedictine monks, especially those of the French Congregation and the Monastery of Solesmes, for the enlightened and fruitful work they have performed in the reform of the sacred melodies of the Church, has graciously decided that the forthcoming Vatican Edition be based on the Benedictine edition published in Solesmes in 1895, thereby recognizing the just value of that well-undertaken reform.

Furthermore, to Your Excellency, as President of the Pontifical Commission, the Holy Father entrusts the delicate task of revising and correcting the aforementioned Edition, and in this work, you will be assisted by the various members of the Commission, making use of the valuable paleographic studies carried out under the wise direction of the Reverend Abbot of Solesmes.

And in order that this important work may proceed with greater diligence and harmony, the Holy See reserves the right to appeal to the various members of the Commission, so that they may more directly apply the work of their studies to those liturgical books whose melodic reform is still less advanced.

To guarantee the implementation of these provisions, the Holy Father...

[*Latin ed. p. 771*]

From the Secretariat of State, 77, 1. The aforementioned Father has further deigned to establish what is set forth below, which I notify to you in the name of the aforementioned Holy See:

1. The Holy See will take under its authoritative and supreme protection the special edition of liturgical books that it recommends as the standard edition, while nevertheless leaving the field open to the studies of those competent in the Gregorian discipline.

2. To avoid any monopoly, whether of law or of fact, the standard edition of the Vatican books may be freely reproduced by publishers, provided that they observe the conditions set forth in the Motu Proprio of April 25, 1904 (1).

3. The members and consultants of the Commission will gladly lend their assistance to facilitate the task of the President, through the contribu-

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tion of their knowledge and expertise, and will be available to the Holy See to carry out other related tasks and to examine publications to be approved by the Holy Congregation of Rites.

4. In order to safeguard, to the Holy See, both now and in the future, its undeniable rights regarding sacred music, an integral part of the heritage of the Catholic Church, the overall direction of the work, both for the composition of the liturgical books and for the approval to be given to the various liturgical publications, especially to those of its own and to new Offices, is entrusted to the Most Reverend Cardinal Prefect of the Holy Congregation of Rites, who will consult with the President of the Commission for appropriate provisions and measures; and these will then be implemented in agreement with the undersigned Cardinal Secretary of State.

5. The property rights of the Holy See, that is, the printing for the Holy See itself and for the publishers already authorized by it to reproduce the Vatican edition, are guaranteed by the nature of the publication, by the distinctive character of the edition itself, and by the formal and generous renunciation (1) *Cf. Acta S. Sedis, vol. 36, p. 586.*

[*Latin ed. p. 772*]

772 From the Secretariat of State, a document issued in favor of the Holy See by the Abbot of Solesmes and the Very Reverend Father, summarizing the results already published by their previous works. 6) These provisions, and especially the foundation of the Vatican Edition, that is, the edition produced at Solesmes in 1895, will serve to protect the letter and the spirit of previous Pontifical documents, including the Brief addressed to the Abbot of Solesmes on May 22, 1904 (1), and to arrive at the best scientific and practical solution. In bringing these dispositions of the Holy Father to the knowledge of Your Eminence, confident that Your Eminence, in her diligent zeal, will devote all her careful attention to the complete implementation of the same dispositions, I take this opportunity to confirm myself with the highest esteem. Rome, June 24, 1905. In the Lord, R. Cardinal Merry del Val. Reverend Father Giuseppe Pothier, Abbot O.S.B., President of the Pontifical Commission for the Vatican Edition of the Gregorian Liturgical Books. Rome. (1) Cf. Acta S. Sedis, vol. 39, p. 203.

[*Latin ed. p. 773*]

ACTS OF THE ROMAN CONGREGATION FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF THE CISTERCIAN ORDER. Concerning the right to cast votes by those simply professed in the acts of the Chapters of Orders of solemn vows.

Most Blessed Father, Dom Eugenius Notz, Abbot of Maristella, Prior of Augia Maior of the Cistercian Order in Austria, as well as General Vicar of the Helveto-German Cistercian Congregation and Visitor of the nuns of

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the same Cistercian Congregation, humbly prostrates himself before Your Holiness and requests a decision on these questions:

1. Do the monks of the Helveto-German Congregation of the Cistercian Order of common observance, who have simply professed, have the right to vote: a) in the admission of a candidate to the novitiate; b) in the first and second scrutinies for the continuation of the novitiate; c) for the admission to the taking of simple vows after one year of novitiate?

2. Do these same monks who have simply professed have the right to vote in any alienation of property on the part of the monastery?

3. Do the nuns of the Helveto-German Congregation of the Cistercian Order of common observance, who have simply professed, have the right to vote: a) in the admission of a candidate to the novitiate; b) in the first and second scrutinies for the continuation of the novitiate; c) for the admission to the taking of simple vows after one year of novitiate?

4. Do these same nuns who have simply professed have the right to vote in any alienation of property on the part of the monastery?

5. Do these same nuns who have simply professed have an active voice (so that they may choose, but not be chosen) in the election of the Abbess for life?

Acts of the Holy See, Vol. XXXVII, page 12, 49.

[*Latin ed. p. 774*]

From the Sacred Congregation of Bishops and Regular Canons, 774. The Sacred Congregation for Affairs of Bishops and Regular Canons of the Holy Roman Church, after due consideration, having been entrusted with the matters and consultations of Bishops and Regular Canons, has decided that the following response should be given: "Affirmative in all matters" (i). Rome, February 20, 1905. L. D. Cardinal FERRATA, Prefect. Philippus Giustini, Secretary. (i) For a fuller understanding of the proposed questions and to more fully appreciate the value of the decision made by the Sacred Congregation, the following observations are made. Although the Constitutions of the Cistercian Order, which in many cases record the consensus of the majority of the Convent, do not explicitly and clearly state anything about the right to vote, except in the case of the election of Abbesses, for whom it is stipulated: "the nuns shall have the right to vote from the day of their profession," nevertheless, in all the letters of the Helveto-German Cistercian Order of March 19, 1857, and in all the monasteries, both of monks and nuns, both before and after the promulgation of the decree of May 3, 1902 (cf. Acta S. Sedis, vol. 35, p. 31), the practice has been maintained of admitting religious, both men and women, to the vote immediately after the taking of simple vows, and after the solemn profession. Furthermore, in fact, after the promulgation of the Statuta Regularium of March 19, 1857, both monks and nuns, both before and after the promulgation of the letters

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of the Sacred Congregation concerning the same matter on March 19, 1857, and after the promulgation of the decree of May 3, 1902, were sometimes admitted to vote in the cases proposed, and sometimes were excluded from voting, within the same Congregation. In light of the foregoing, certain consequences naturally flow from the present resolution of the Sacred Congregation. Those who have taken simple vows in Orders that require solemn vows, at least, according to the more common and well-founded opinion, are true and proper religious, because the three years of simple vows were instituted not to diminish the rights of religious, but to promote the dignity of the solemn profession itself. Therefore, those who have taken simple vows enjoy all rights and privileges in general, and hold offices, just as those who have taken solemn vows, as can be seen from the declarations of the Sacred Congregation concerning the Statuta Regularium of June 12, 1858, paragraphs 6 and 7, and from other declarations of the same Sacred Congregation of August 6, 1858, paragraphs 7 and 8, concerning religious. In particular, the declarations made by the Sacred Congregation for Bishops and Regular Canons of May 3, 1902, paragraphs 6 and 7, refer to the declarations of June 12, 1858, paragraph 8, which state for monks: "The years of profession required in order that one may enjoy the active and passive vote and be admitted to offices shall be counted from the day of the taking of simple vows; in the acts of the Capitular and Convent meetings, the professed who have taken simple vows shall be considered..."

[*Latin ed. p. 775*]

From the Congregation of the Council of Manizalen. Regarding Doubts Concerning Holy Orders. It is granted for a period of three years the faculty of ordaining young men of foreign origin without the permission of their own Ordinary. Case in point: The Bishop of Manizalen, His Holiness Cardinal, proposed the following: "There are adolescents in the Seminary of Manizalen who, having left their families and homes, have solemnly professed for just causes from their dioceses of origin." Furthermore, the decree of May 3, 1902, in which the same is established for nuns. Hence, it is legitimately inferred that the general rule, according to which those who have simply professed enjoy the right to vote even in Chapter meetings, unless expressly excluded by law, applies. Indeed, the only exclusion or exception introduced was in the decree of the Holy Congregation concerning the Status of Regular Canons, of February 7, 1862, in which it is stated that solemnly professed monks, with simple vows, are excluded from voting regarding the admission of those with simple vows to solemn profession, and also in another decree of the Holy Congregation of May 5, 1902, in which nuns are cautioned: "Indeed, those who have simply professed will never have a place in Chapters, in which and to the extent that the matter concerns the admission to solemn profession." Two reasons are commonly given for this prohibition: either because those who have simply professed,

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not yet belonging to the body of those who are solemnly professed, cannot admit others to it, or because it may happen that those who admit others to profession may be in danger of collusion, since they, one after another, or simultaneously, or after a short time, are to be admitted to solemn profession. But these reasons do not seem to apply to the admission of candidates to the novitiate, or even of novices to simple profession; for on the one hand, those who have simply professed are already part of the body of those aspiring, and on the other hand, the danger of collusion is not to be feared, since these individuals can expect nothing from others. Moreover, if the Supreme Pontiff had wished to exclude those who have simply professed from voting regarding the admission of novices to simple profession, he would have said so openly, just as he has expressly stated what he wanted and what he did not want; indeed, he has expressly excluded them from voting regarding admission to solemn profession, and this is almost universally observed. However, this and no other practice is adopted by religious orders, and the Constitutions or Resolutions of the Holy Congregation, which at first glance seem to be contrary to it, are to be considered as exceptions to the general rule.

[*Latin ed. p. 776*]

From the Sacred Congregation, 776, it has been determined that certain individuals, desiring to be promoted to the ranks [of the clergy] in this diocese, are admitted to the orders only on the condition that they remain here; therefore, their intention to remain must be considered as a conditional requirement. Since the Bishop, having permitted them to come here for just causes or reasons for traveling, requested letters of dispensation for these young men for that purpose, in order to remove any doubt regarding the lawfulness of their ordination, and, furthermore, to ensure their excommunication, once they are established in the ecclesiastical orders. Some of these young men have a free place in the Seminary, and since they have almost completed their ecclesiastical studies, it is not possible to provide them with protection for more than three years, but those who are insistent have, through repeated petitions, obtained letters of dispensation from their own Pastor, and have completely lost hope of obtaining the necessary dispensations, because their own Bishop, although he does not require nor desire that they return to him, nevertheless, adhering to a certain custom, affirms that they have acquired a perfect domicile with regard to the orders, provided they are in the Seminaries, or, in other words, privileges granted to this or that Order. Thus, for example, on April 27, 1866, the Holy See denied the Order of the Knights of Jerusalem the right to vote in Chapters, for the reason of the Order's special law (cf. Acta S. Sedis, vol. 2, pages 97-102). Also, on September 1, 1875, the Order of the Friars Minor was granted, as is attested by pages 33, 182, and the Analecta, as well as the Acta Cappuccinorum, vol. 3, the privilege by which professed members could not

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exercise the right to vote for the admission of novices to the simple vows. Very recently, on May 20, 1904, in order to avoid serious inconveniences, an indulgence was granted to the Carthusian Order, so that only those who have made solemn vows may have a voice in any reception or admission within the Order, excluding those who have made only simple vows and are established in the Order as Subdeacons (cf. Acta S. Sedis, vol. 37, page 25). Therefore, it must be concluded that, notwithstanding the contrary doctrine transmitted by some writers, even of the highest standing, those who have made simple vows, by virtue of the general law, have the right to vote in the acts of Chapters, even for the admission of novices to the simple profession; which is entirely in accordance with the recent decision of the Sacred Congregation, which, although given in a particular case, due to the same circumstances, extends in all respects to all Orders in the Republic.

[*Latin ed. p. 777*]

"In Manizal, 777 clerici huius dioeceseos permanserunt per triennium cum animo perpetuo hic manendi si ad ordines admitterentur, adiuncto domicilii iuramento." Hinc sequentia dubia subiecit: "I. Utrum talis consuetudo ordinandi alienígenas ratione domicilii, eo quod in Seminario novae dioeceseos usque ad triennium commorati sint cum intentione permanendi perpetuo in loco promotionis si ad ordines reciperentur, sustineri possit post publicationem Concilii Plenarii Latini Americani in regionibus nostris, vel talis consuetudo contra spiritum Constitutionis Innocentii XII Speculatores inveniatur. "II. Utrum alienigenae etiam filii-familias, ab alio quam a proprio Episcopo possint ordinari cum litteris tantum testimonialibus, modo in Seminario novi Episcopi permanserint per triennium et iuramentum praestent sibi semper fuisse in animo permanere in loco promotionis, si ad ordines reciperentur. "III. Utrum qui ratione salutis vel alterius iustae causae recesserunt a propria dioecesi ad explendum studiorum alibi curriculum et in loco novae commorationis ante decennium, ad ordines promoveri desiderant, cum animo perpetuo manendi in loco promotionis modo admittantur ad ordines, egeant non tantum testimonialibus, verum etiam dimissoriis litteris, quando utilitas vel necessitas, ecclesiae postulet eorum ad triennium ordinationem. "IV. Utrum ad domicilium perpetuum quoad ordines acquirendum secundum Constitutionem Innocentianam, his qui actu bona mobilia non habent, sufficiat commoratio in Seminario novae dioeceseos per considerabile tempus ad arbitrium novi Episcopi, modo iuramentum accedat, sibi semper fuisse in animo, si reciperentur ad ordines, permanere perpetuo in loco ordinationis, modo supra dicto. "V. Utrum liceat Episcopo Manizalensi, in casu concreto de quo agitur, in promotione iuvenes tales ordinare transacto triennio, attenta

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opinione et voluntate Episcopi originis et"

[*Latin ed. p. 778*]

From S. C. Concilii 778, concerning also the necessity of the Church, and the danger of vocations in those cases where protection is suspended; or, what is to be done in such a case." Observations. The Council of Trent (Session 22, chapter 8 on Reform) mandates that: "Each one must be ordained by his own Bishop." There are four titles by which a Bishop can be considered "proper," namely, by reason of origin, domicile, benefice, and familiarity (1). Indeed, according to the Constitution of Innocent XII, *Speculatores*: "He is considered to be subject by reason of domicile, for the purpose of receiving orders, only if he has so firmly established himself in a certain place, that either by residing there for at least ten years, or by transferring a significant portion of his property and possessions, along with constructed buildings, to that place, and furthermore by residing there for a considerable time, he has sufficiently and clearly demonstrated his intention of permanently remaining there; and nevertheless, in both cases, he must, by oath, affirm that he truly and really has such an intention." In the present case, the intention of permanently remaining seems to be lacking; for the aforementioned young men are presented as being disposed in such a way that they would remain permanently in the Diocese of Manizal, *if* they were promoted to the orders. Therefore, their intention would be a consequence, and not a prerequisite, of the act of ordination, which contradicts the sacred Canons which prescribe a "domicile established and not to be established for the reception of orders." Furthermore, even if the condition were fulfilled, and the conditional intention were established, a ten-year residence would be required, whereas a three-year residence would also imply the transfer of property. It is asserted that in those places, the custom exists regarding the sufficiency of this three-year period of residence, but this custom cannot override the Constitution of Innocent XII; there exist responses of Clement XI to the Archbishop of Mexico, dated November 20, 1719, as well as from the S. C. de Prop. Fide, dated July 21, 1821, in which the aforementioned precept is imposed (1). Furthermore, according to the current discipline, and the decree of the S. C. Concilii of July 20, 1898, a fifth title is added for clerics, which is called "incardination." Cf. Acta S. Sedis, vol. 31, page 49 (N. R.).

[*Latin ed. p. 779*]

Manuales. 779 Ut Bulla Innocentiana ubique servetur. Nempe Concilium Plenarium Americae Latinae (Cf. Acta et Decreta, tit. 5, cap. 7, n. 53) non modo de praefata consuetudine mentionem non facit, sed etiam eam subvertit his verbis: « Quis sit subditus alienus et quis proprius, ad effectum suscipiendi ordines, aperte declaravit Innocentius XII in Const. Speculatores die 4 Nov. 1694 ». Tamen, non est infitiandum quod illos ado-

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lescentes per aliquam benigniorem interpretationem considerari possint subditos Episcopi Manizalensis, et ideo ab eo ordinari licite cum litteris testimonialibus suorum Ordinariorum. Hi reapse domos et familias reliquerunt, at cum adhuc filii-familias sint, nulla profecto bona transferenda habere possunt. Praeterea, eorum Ordinarius non solum, quominus e dioecesi discederent eos non prohibuit, quin immo ne vult quidem ut revertantur, sed ut ab alio ordines recipiant ultro permittit, ita eos – a sua potestate quasi solvendo. Ad haec adde factum de gratuitis alimentis, quae hucusque a Seminario Manizalensi nonnulli ex illis adolescentibus acceperunt. Tandem si spiritus Bullae Innocentianae attendatur, benignior interpretatio omnino contraria non apparet menti legislatoris, compescere volentis sacrilegam illorum impudentiam, qui ordines ab alieno Episcopo suscipere praesumebant « absque dimissoriis commendatitiisve suorum Ordinariorum litteris, quinimo eis insciis et saepe etiam invitis ». In themate vero Episcopus ordinans durante triennio iudicium de candidatorum idoneitate sibi efformare valet, et ipse Episcopus originis favorabile testimonium de ordinandis tradidit. Resolutio. S. Congr. Concilii, re diligenter perpensa, die 21 Ianuarii 1905 rescribendum censuit: Attentis omnibus, pro gratia ad triennium, firmo iuramento ad tramitem Bullae Speculatores, et cum testimonialibus ad tramitem iuris, facto verbo cum SSmo.

[*Latin ed. p. 780*]

78°. From the Decrees of the Holy Council, I. Firstly, clerical orders can be lawfully received, besides from the Roman Pontiff and his delegate, "only from one proper bishop, who is such by reason of origin, domicile, benefice, familiarity, or incardination." 2°. The candidate rightfully obtains the domicile of the bishop if, besides confirming with an oath his intention of remaining perpetually in the diocese, he has resided there for at least ten years, or even for three years (1), provided that the transfer of his house and possessions has followed. 3°. Therefore, he who has nothing of fortune to transfer can only establish a domicile by a ten-year residence, with the intention as mentioned above; otherwise, he cannot be promoted to the orders without the permission of his own bishop. 4°. Testimonial letters only contain a testimony regarding the suitability for promotion, while dismissal letters grant a foreign bishop the faculty of ordaining his own subject; and recourse to the Holy See is always open if these are unreasonably denied. 5°. The custom cannot prevail against the Bull of Innocentius, by virtue of which a simple three-year residence, even with an oath of intention to remain perpetually in the place, would suffice to acquire a domicile for receiving orders. 6°. However, in such a case, if the common law remains firm, but the opinion and will of the bishop of origin, as well as the necessity of the Church and the danger of vocations, are considered, a dispensation may be granted. (1) It is not convenient for doctors to consider what is prescribed by the Constitution regarding this matter; a certain three-

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year residence. The authors cited by Gasparri (N. R.) do not agree with this. (Concerning the time that is sufficient for S. Ordination, vol. 2, n. 832) nor
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[*Latin ed. p. 781*]

The practice of granting daily distributions to a Canon Magistralis absent from the choir in Toletana is not justified, but an indulgence is granted for two days to the Canon Magistralis of Toletana by grace. The facts of the case. In the Cathedral of Toletana, as in other Cathedrals of Spain, it is customary to have a Canon Magistralis, in addition to the Canon Theologus and the Canon Poenitentiarius, to whom the duty is assigned of preaching to the Chapter and the people on certain solemnities, and to whom, as a reward for his labor, an indulgence is granted from attendance in the choir, without the loss of his distributions, for the entire week preceding the sermon. Although this practice has been repeatedly disapproved of by the Sacred Congregation of Councils, as can be seen in the documents of Vallisoletana of April 29, 1899, and of Oveteno of April 27, 1901 (1), nevertheless, because in other Chapters of Spain it is not only customary but also established by the Provincial Council of Compostela, the Archbishop of Toletana considered it advisable to submit the question to the Holy Congregation. Favorable reasons. The aforementioned Council of Compostela warns about the Canon Magistralis: "It is permissible for the preacher, whenever he is to give a sermon, to be absent (from the choir) for eight whole days, provided that he attends the Mass sacrifice." Indeed, the Council of Trent (Session 24, chapter 2 on Reform) speaking of Provincial Councils, states: "Provincial Councils, if they have been omitted, are to be renewed for the purpose of regulating morals, correcting excesses, settling disputes, and for other matters permitted by the sacred canons." With these words, the Council of Trent grants the Provincial Council the power to enact laws on matters of morals, and, as Canonists interpret, including Schmalzgrueber (Diss. prooem., § 8, n. 8), Fagnanus (Comm. in V Decret., De accus., cap. 2, Sicut olim, nn. 8p, 6j, and 78), and Wernz (Ius Decret., vol. i, page 108, n. 94, ed. i). However, the law of Compostela (1) Cf. Acta S. Sedis, vol. 32, page 87; and 34, page 3.

[*Latin ed. p. 782*]

782. From the Sacred Congregation, granting eight days of absence from the choir is not only a matter of morals, but also pertains to positive law, since the "Magistralis" canon is established solely in Spain. Therefore, the canons in title one, chapter 6, concerning non-resident clergy, and in session 24, chapter 12 of the Council of Trent, which, being derived from common law, do not apply to the "Magistralis" canon. Furthermore, the aforementioned law of Compostella does not lack a legitimate foundation in common law itself; for the "Magistralis" canon, in such a case, exercises

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a function annexed to his office, and is considered to act for the benefit of the church choir, just as a theologian, a confessor, and a procurator, to whom a fictitious presence is granted, either for each day that he reads [the Divine Office], or for the hours during which he hears confessions, or finally for the time during which he attends to the temporal affairs of the Chapter itself. Therefore, just as the Council of Compostella cannot be blamed for the concession made to the "Doctoral" canon, so that he may be considered present in the choir whenever he must act for the cause of the church; so also it cannot be blamed when it extends this privilege to the "Magistralis" canon for the time necessary to prepare a sermon, which benefits not only the spiritual well-being of the people, but also of the Chapter itself. Moreover, several Fathers of the Council of Compostella were also present at the Council of Trent, so it is not easy to believe that they themselves transgressed the decrees of Trent concerning the residence of canons. However, there is at least tacit approval from the Holy See, which, either by itself or especially through the Apostolic Nuncio, on the occasion of the Concordat confirmed by Pius V, did not ignore the law of Compostella, nor has it disapproved of it over three centuries.

Contrary reasons. In common law, in title one, chapter 6, concerning non-resident clergy, the distribution of [ecclesiastical] revenues to canons and others who are not interested in the benefit is condemned; this is confirmed by the Council of Trent (Session 24, chapter 12, concerning Reform). But the sole reason for fictitious presence, ...

[*Latin ed. p. 783*]

Toletana 7, 83, apart from the infirmity, is beneficial to the Church; therefore, it is explained how, as if present, the following are considered: the Canon Theologian throughout the day that he reads, the Canon Penitentiary while he hears confessions, and the Canon Parochial while he performs his parochial duties. Similarly, it is generally accepted that the legal cause for the presumed presence is that benefit to the Church, which is resolved in favor of the Chapter, whether concerning its persons or its goods; but not that which favors the Bishop, the diocese, the cult, and souls, as is evident in the decree of the Sacred Congregation of Rites of July 29, 1848. Compare Lingen and Reuss (Causae selectae, page 501). However, in the case of the Canon Magisterial, his office directly benefits the Bishop, for whom he performs his duties in preaching, and not the benefit of his own church. Nor is it considered that the Magisterial acts for the benefit of his church because he exercises a duty attached to his prebend. For such a right does not belong to him simply because he is to preach; for, by themselves, distributions are not due to preachers absent from the choir, as this Sacred Congregation has decided in Adiacen. of September 10, 1678, and in Franen. of December 20, 1862. Nor because he exercises a duty attached to the prebend; for the Canon Lectoral is only granted a dispensation for

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the sake of grace, as is evident in the decree of Tropien of May 9, 1597, and in Carthaginen. of April 2, 1891 (i). Compare also Barbosa (De canon., chapter 27, note ßß) and those cited by him. Nor is it due because both are conjoined in the Magisterial office, namely, that he must preach by virtue of the duty attached to the prebend, as testified by Fagnano (in cap. Licet, De Praeb., note 114) and the cited resolutions in Vallisoletana and Ovetensi. Furthermore, it is not equivalent to the Canon Penitentiary, because the latter has a privilege granted by the Council of Trent. Compare ad rem Bonacina (De Horis can., disp. 2, q. ß, punct. ß, § ß). (i) Compare Acta S. Sedis, volume 24, page 72.

[*Latin ed. p. 784*]

7 8 4 From the Sacred Congregation: It must not be omitted that, according to canon law, a prelate, when preparing a homily, should not exercise the duties attached to his office, but should only prepare himself to perform that duty; all the more so, since the sermon can be composed and learned at another time, as Garcia states (De Beneficiis, part 3, chapter 2, no. 12). Moreover, the cited decree of the Council of Compostela is objectionable, for it openly contradicts common law, and its validity would require the specific approval of the Holy Father. However, this approval cannot be proven, since the Brief of Pius V, which is cited in support of its validity, is not a general confirmation of the Council of Compostela, but a particular confirmation of certain decrees, namely, the Concordat between the Archbishop of Compostela and his suffragans, and their Capitular Chapters. See Bullarium Romanum (ed. Taur., vol. 7, pages 777 and 780) and the decision of the Sacred Roman Rota in the case of Toletana, May 18, 1584, before Aldobrandino, as reported by Garcia (loc. cit., part 3, chapter 4, no. 166). Since the acts of said Council have not been recognized by the Holy See, it is not surprising that many things are found in them that are contrary to the mind of the Council of Trent, as Garcia states (loc. cit., chapter 3, nos. 11 and 12; as well as part 7, chapter 7, nos. 43, 46 and 47) and Benedict XIV (De Synodis Dioecesibus, book 4, chapter 3, no. 11). Furthermore, the custom that was condemned in this case was also disapproved in the responses of the Holy Congregation in the aforementioned cases of Valladolid and Oviedo, as well as in the letters of the Cardinal Prefect of the Sacred Congregation to the Bishop of Oviedo, in which it is stated: "While I communicate this response to you, it is very pleasing to me to add that, if you consider one or two days of vacation to be necessary, either due to ancient custom or for other reasons, the visiting Fathers will not be displeased if a dispensation is granted, as in the case of Valladolid, although the aforementioned custom, when considered in light of the law, should not be tolerated as an abuse." Finally, since in other Capitular Chapters of Spain this provision has been applied either through Capitular statutes or through custom, or has been

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restricted to three or four days, this also...

[*Latin ed. p. 785*]

Toletana 785: Concerning this matter, the Archbishop of Toledo inquires the judgment of His Holiness. He proposes that, since the aforementioned regulations of the Council and the Capitular statutes do not support it, it is considered whether the Canon Regular can be excused from attending, by grace, for the purpose of receiving distributions, both on the day he delivers the sermon and on the preceding day. Doubts: I. Whether the practice of granting daily distributions to a Canon Regular absent from the choir, whether for the entire week, or for three or four days, in order to prepare a sermon, is permissible. — And whether, in both cases, the answer is negative? II. In the case of absences, how many days of absence can be granted to a Canon Regular without the loss of daily distributions? Resolutions: And the Sacred Congregation of the Council, after considering the arguments presented, ordered that the following be answered on January 21, 1905: To I. Negatively. To II. Affirmatively, favoring the Canon Regular for two days within a five-year period. Toletani Collèges 0 i. The Council of Trent (Session 24, chapter 12 concerning Reform), recalling the Constitution of Boniface VIII (chapter 1, concerning non-residence), completely condemns the custom of granting daily distributions to Canons and other beneficiaries absent from the choir, notwithstanding any statutes or customs, even those of long standing. 2. However, beyond infirmity, the only legally accepted cause for a fictitious presence is a necessity or evident benefit to the Church, which directly favors the particular Chapter, and not the Bishop, the diocese, the universal Church, or any other Church. 3. Therefore, in common law, they are considered present as a choir, even if...

[*Latin ed. p. 786*]

786. From the Sacred Congregation, it is decreed that a canon theologian shall enjoy this privilege for the entire day he is engaged in reading; a confessor, while hearing confessions; a parish priest, while actively exercising pastoral care; and a procurator, whenever he conducts business for the Chapter. 4°. However, the indult granted by the Council of Compostela cannot be maintained for a canon theologian, either because it is contrary to common law, or because the Apostolic approval is lacking. 5°. Finally, the Sacred Congregation, while generally disapproving of such a custom existing in Spain, has granted the grace of pretended presence for five years, for two days, namely the day of the Chapter and the day preceding it, only to the canon theologian of Toledo; therefore, the other Chapters must appeal to the Holy See to obtain this grace.

BENEVENTANA: REGARDING THE ASSIGNMENT TO THE CLERGY. The revocation of the decree regarding the assignment to the parish church, made by the Ordinary, is upheld. Facts. The Reverend Alphonsus Sper-

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anza, from the town of Gildone in the archdiocese of Benevento, obtained from the Holy See a perpetual secularization, and having previously been incorporated into the diocese of Boiano, and then into the diocese of Benevento, on June 10, 1901, he was assigned to the parish of Gildone. However, the clergy of that town did not accept this assignment and strongly protested against the issued decree; therefore, the Archbishop, in order to exercise prudence, considered it advisable to postpone the execution of the decree, promising, however, to provide the aforementioned priest with suitable arrangements in the future. But neither the Archbishop at that time, nor the Capitular Vicar, while the See was vacant, were able to satisfy the repeated requests of the aforementioned priest. Nor does the new Archbishop think otherwise, who wished that, in order to avoid greater scandals, the mandates of the Capitular Vicar be faithfully observed until a definitive judgment is issued.

[*Latin ed. p. 787*]

In Benevento, anno 787, surgiu uma oposição do clero, de modo que ele não pudesse exercer o ministério da Igreja e as funções sagradas sempre que Speranza interviesse, que até então não havia podido exercer o ministério sagrado nem o ministério da pregação em sua terra natal, e teve que fugir para outro lugar, se quisesse prover para sua honesta subsistência. Mas, como isso se tornava cada vez mais oneroso e quase impossível para ele, devido à sua avançada idade, ele recorreu à S. Cong. C., instando-a veementemente a defender seus direitos e a exigir a execução do decreto de sua incorporação.

Observações. Em abstrato, é certo que os decretos só podem ser reformados pela própria autoridade que os emitiu ou por outra legitimamente superior, e que sua execução não pode, de modo algum, ser suspensa pela relutância ou pelas protestações dos subordinados: em concreto, no entanto, as coisas nem sempre procedem de forma direta; pois podem surgir várias dificuldades na própria execução, que, se tivessem sido previstas, talvez o decreto nem sequer tivesse sido emitido. Nestes casos, é melhor adiar a própria execução do decreto, especialmente se houver esperança de que as dificuldades que surgiram possam ser resolvidas mais facilmente.

No caso da oposição do clero de Gildona, parece não haver fundamento jurídico algum, pois não se vê razão pela qual um religioso que tenha obtido a secularização perpétua não possa ser incluído no clero secular e usufruir de seus privilégios, nem participar dos lucros. De fato, o religioso secularizado se torna sujeito ao Bispo receptor, da mesma forma que o clero diocesano; e o Ordinário tem o direito e o dever de atribuir todos os clérigos a alguma igreja, portanto, também o religioso secularizado, conforme o Concílio de Trento (Sess. 22, cap. 16 de Reforma). Cf. Bento XIV (De Syn. dioec., livro 4, capítulo 2, n. 13 e 14).

Portanto, assim como não pode ser admitida a oposição do clero contra

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a atribuição de qualquer clérigo diocesano, assim também não pode ser admitida a oposição contra a atribuição de um religioso secularizado. E, se não é admitida a oposição contra a atribuição deste religioso, também não é admitida a oposição contra seu direito aos emolumentos.

[*Latin ed. p. 788*]

7. From the Sacred Congregation, it seems permissible to understand that: he who serves at the altar, ought to live from the altar. Indeed, whatever may be felt concerning the assignment of participants to churches, whether received [into a parish] or numbered [parishioners] or unnumbered, the nature of which is described by Salzano (Lezioni di diritto eccl., vol. 2, page 114), it must be admitted that any such assignment, and much less the right to receive emoluments, is not easily sustained by their particular statutes; however, the assignment of non-participants cannot be hindered by any particular law, since it is expressly commanded by common law. Furthermore, it cannot be doubted that, except for certain and fixed emoluments pertaining to participants, even non-participants have a right to incidental benefits, because these benefits can only be denied to those clerics with great injustice who have been legitimately assigned to a church, since the intention of the faithful is that the alms offered be distributed among all clerics serving in their functions. Moreover, this right of non-participants has not been confirmed only once by civil authority; as can be read in the Ministerial letters of April 11, 1835, and September 15, 1841. Cf. Collezione degli atti emanati dopo il Concordato del 1818, vol. 1, page 4, and vol. 9, page 59. Therefore, it may be concluded that, even in the case of received churches, a cleric legitimately assigned to the church has the right to receive incidental emoluments, and therefore the opposition of the Gildonian clergy seems unreasonable and ought to be restrained by the Bishop. On the other hand, since the good of the entire community must be placed before the benefit of a private individual, and since, in order to avoid greater evils, it is sometimes more prudent than strict law to act, it may seem that, in a particular case, it would not be expedient to dismiss the prayers of the orator. For the orator, by nature and disposition, proves to be too difficult, so that his association becomes burdensome and almost intolerable to others. Furthermore, for almost the entire year, he goes about fulfilling a more lucrative teaching function, and therefore he will only be able to add a few months of service to the church during the rural season; and therefore, the execution of the decree seems to be more strongly to be postponed for the sake of avoiding scandal.

[*Latin ed. p. 789*]

Benevento, 789, which may be feared due to opposition from the clergy and the loss of souls among the faithful. Resolution. After considering all matters, the Sacred Congregation decided on February 25, 1905, to respond

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as follows: Regarding the request of the priest Speranza, it is not advisable to proceed, and concerning the College of [illegible], 1. Although decrees, in the abstract, can only be reformed by a superior authority, in practice, considering unforeseen difficulties, it is sometimes necessary to either postpone or completely revoke their execution. 2. The dispensation from perpetual vows granted to religious, even those solemnly professed, does not permanently release them from the bond of the religious life, but the vows themselves remain valid and must be observed in their essential aspects. Thus, the Sacred Congregation, etc., on May 15, 1840, etc. 3. Perpetual secularization is not granted unless the religious first finds a benevolent bishop who will incardinate him into his diocese and make him subject to him. 4. Furthermore, according to the Council of Trent (Session 23, chapter 16 on Reform), bishops are obligated to assign their clergy to a particular church or pious institution, where they may perform their duties, and not wander aimlessly from place to place. 5. The assignment of members to a parish, due to its particular statutes, cannot always be obtained, but it is never permissible to prevent the assignment of non-members, with the corresponding right to incidental benefits. 6. In the case of the decree assigning the priest Speranza to the church of Gildone, the decree itself would be upheld; however, since the Archbishop of Benevento has already revoked it, and just causes for the revocation are present, the requests of the petitioner are dismissed, although provision must be made for him in another way.

Acta S. Sedis, Vol. XXXVII, page 12, 50.

[*Latin ed. p. 790*]

79°. The Sacred Congregation of Rites, from the Sacred Congregation for Rites at Assisi, concerning the relics of St. Francis of Assisi. Regarding the relics of St. Francis of Assisi, which are religiously preserved in the church of St. Mary of the Angels in Assisi, a question was once raised, then silenced, and recently again brought up. Some affirm that these relics are religiously preserved, citing also the ancient tradition of the Order of the Friars Minor; while others deny or cast doubt upon this. The Sacred Congregation of Rites, in special meetings held at the Vatican on the sixteenth day of the month of May, with the Most Eminent and Reverend Cardinal Francisco Segna, Relator of the Cause, presenting all arguments and documents from both sides, after careful discussion and deliberation, taking also into account the opinion of the Historical-Liturgical Commission, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, decided as follows: "Considering the great disagreement and debate on this matter, the resolution of the principal question is postponed, while the aforementioned tradition remains in its possession. However, if anything new is discovered in favor of one side or the other in this case, it shall be submitted to the examination and judgment of the Sacred Congregation of Rites; and nothing shall be published without the express and written

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permission of the aforementioned Sacred Council." These resolutions, having been presented to His Holiness Pope Pius X through the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, were ratified, approved, and ordered to be observed by His Holiness. May 24, 1905. A. Card. TRIPEPI, L. "S. Pro-Prefect. D. Panici, Archbishop of Laodicea, Secretary."

[*Latin ed. p. 791*]

From the Sacred Congregation of Rites, 791, concerning the Society of Jesus, regarding the anniversary of the dedication of a church, and concerning the feast of the patronage of Saint Joseph. The present editor of the calendar of divine offices for the use of the Austro-Hungarian Province of the Society of Jesus humbly presented the following questions to the Sacred Congregation of Rites for a suitable solution:

I. In the archdiocese of Vienna, by virtue of a privilege of the Sacred Congregation of Rites dated January 13, 1888, "the entire clergy... both secular and regular, are permitted to celebrate the feast of the dedication of all the churches of the said archdiocese, with the proper rite, every year on the Sunday of the third of October." Since other diocesan feasts of this kind are granted to regular canons without an octave, the question is asked: Whether this same observance is to be observed in the case of churches of the Society of Jesus which are not consecrated and are located within the limits of the same archdiocese?

II. To the Society of Jesus, it has been granted to celebrate the feast of the patronage of Saint Joseph on the Sunday three days after Easter, with a double rite of the first class with an octave, and indeed, as the Observations to the approved calendar of December 6, 1888, declare, "fixed on that day, even if it coincides with the feast of the dedication of the church itself, or the feast of the patron or titular saint of the church, which are to be observed on the first available day." Since these are primary feasts, the question is asked: Whether, by the same token, the feast of Saint Joseph is to be held in the same primary place for the Society, and all the more so, without this privilege being revoked by the decrees of the Sacred Congregation of Rites, number 3808, of June 27, 1893, and number 3881, of February 4, 1896?

And the Sacred Congregation itself, after careful consideration of the report of the undersigned Secretary, and the expert opinion of the Liturgical Commission, decided that the following answer should be given:

Regarding I: The anniversary of the dedication of a church is also to be celebrated by regular canons, with a double rite of the first class with an octave, in both consecrated and un-consecrated churches.

[*Latin ed. p. 792*]

From the Sacred Congregation of Rites, 792, according to decree 3522 of Amalphitana, August 20, 1880, and the general decree 3863 concerning the celebration of the feasts of the patron of the place, the dedication, and the

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title of the church, July 9, 1895.

A. Regarding the words "Flectamus genua" (Let us bend our knees) in the Ordination, and also concerning the Vespers of the feasts of St. Martha, and of St. Benedict Joseph Labre.

R. D. Onesimus Machez, the present Master of Ceremonies of the Cathedral Church of Atrebatus, and also the Editor of the Calendar of that diocese, with the permission of his Most Reverend Ordinary, inquired:

(1) The decree in Amalphitana, no. 3522, states that the anniversary should be celebrated even in churches, "except for the Cathedral." Does the Sacred Congregation of Rites have the following understanding: Should this feast be celebrated in all the churches of the archdiocese, or only in those that are consecrated? (excluding the Cathedral, whose anniversary of dedication is celebrated on the first Sunday of September)? – He declared: "Affirmatively, regarding the first part; the complete text is found in the Acts of the Holy See, volume... The Sacred Congregation of Rites, however, responds negatively to the second part."

(2) Decree general no. 37, page 600, note (2). Cf. Acts of the Holy See, volume 26, page 5; and volume 28, page 5. The feast of the patronage of St. Joseph is a secondary feast, whereas, on the contrary, the feasts of the dedication of a church, of its patron, or of its titular saint, are primary feasts, as stated in the general decree no. 3810, page 22 (179), which presents a catalog of feasts to be observed. Indeed, the feasts mentioned in the Acts of the Holy See, volume 26, are primary feasts, as the decrees concerning feasts determine that primary feasts, being more solemn, should be preferred to secondary feasts, both in their proper time and when they coincide (N.R.).

[*Latin ed. p. 793*]

From the Sacred Congregation of Rites, number 79, the following doubts were humbly presented to the Congregation of Rites for resolution:

I. Whether, in Ordinations to be celebrated on Saturdays of the four weeks of Easter, or on Sundays by Apostolic Indult, the words "Flectamus genua" (Let us kneel) should be pronounced before each of the prayers recited over the newly ordained?

II. Concerning the Apostolic Indults of December 22, 1881, and May 27, 1886, which established the feasts of the Virgin Saint Martha (July 29) for the Province of Gaul, and of Saint Benedict Joseph Labre, Confessor (April 16) for the Diocese of Arras, it was noted that these feasts, being of "double major" rank, did not mention any specific readings to be recited during the First Vespers. However, the calendar of Arras, adhering to the decree of the Sacred Congregation of Rites of September 2, 1741, number 3(i), considered that readings concerning Virgins and the Just should be assigned until the response of the same Sacred Congregation was published. On June 30, 1896, several dioceses received this decree. The Orator interpreted

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this response in such a way as to assign readings from Scripture, as found in the directories of the years 1903, 1904, and 1905, for both feasts.

Now the question is asked: After the decree of June 30, 1896, for several dioceses, can readings from Scripture be retained in the First Vespers of both feasts?

And the Sacred Congregation itself, after considering the report of the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, after mature deliberation, decided to respond as follows:

To I. Affirmative, according to the Roman Pontifical (2).

(1) This decree, found in Aquae, which in the old collection is under number 4119, and which is revised in the new collection under number 2365, among other things, states: "Feasts of double major rank have readings for the First Vespers that are either proper to the feast, or from the Common of Saints, but not from Scripture." (N.R.)

(2) According to the Roman Pontifical, for the Order of Bishops, after the conferring of the Tonsure, of any lesser Order, and of the Diaconate, and also before the conferring of the Subdiaconate and Priesthood, "they approach the altar and say 'Flectamus genua' and 'Levate' (Kneel and Rise)." The Bishop then says, "Let us pray." It is possible that the doubt arose from the fact that on Saturdays of the four weeks of Easter and on Sundays...

[*Latin ed. p. 794*]

From Section 794 of the Index of Indulgences and Sacred Relics, Addendum II. Affirmative, in accordance with decree No. 3923 of the dioceses (i). And thus it was decreed. On July 7, 1905. A. L. "f.- S. Cardinal TRIPEPI, Pro-Prefect. f D. Panici, Archbishop of Laodicea, Secretary. FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS: Indulgences are granted to those who recite a certain prayer for the promotion of the pious practice of daily Communion.

PRAYER for the promotion of the pious practice of daily Communion. O most sweet Jesus, who came into the world to give to all souls the life of your grace, and who, in order to preserve and nourish it in them, willed to be both the daily medicine of their daily infirmity, and their daily sustenance; and in festivals, the words "We bend our knees in the Mass" are omitted, whereas, on the contrary, they are said on the three Saturdays of the four seasons, and on the very Holy Saturday. But it must be especially noted that the function of Ordination is distinguished from the Mass; moreover, the Roman Pontifical prescribes this ceremony absolutely, without excluding the Saturday of Pentecost and the Saturday before the Sunday of the Passion, which is called "Sitientes," and therefore, neither on other Sundays nor on other feasts, in which the Holy Ordination is celebrated by pontifical dispensation (N. R.).

(i) The cited decree reads as follows: "Since the Sacred Congregation for

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Rites has been consulted by several bishops regarding the multiplication of Offices, which are granted under the double major form, whether it is permissible to read the Lessons of the Nocturn of the Common of the Saints, as the Scripture occurs;—The same Sacred Congregation, after considering the matter, judged that, in the future, the Lessons of the Nocturn should be either proper or of the Common of the Saints, for the Double I or II class; but these Lessons excepted, which have already been approved, or which are found in the Breviary for Doubles, major or minor; or for the Sacred Congregation, for others which it may subsequently deem fit to approve for special reasons or circumstances" (N. R.).

[*Latin ed. p. 795*]

From the Sacred Congregation of Indulgences and Sacred Relics: We humbly beseech you, moved by the ardent love of your Heart, to pour forth your divine Spirit upon all, so that those who, unfortunately, are in mortal sin, may, by turning to you, regain the life of grace lost, and those who, by your gift, already live this divine life, may, each day, whenever they can, devoutly approach your sacred table, so that, through daily Communion, they may receive each day the antidote to their daily venial sins, and each day nourish within themselves the life of your grace, and thus purify their souls ever more, finally attaining the blessed life with you. Amen. From the Audience of the Most Holy, on the 30th of May, [year unspecified], Our Most Holy Lord, desiring that the use of daily Communion, so salutary and pleasing to God, may be spread throughout the Christian people, with the help of Christ our Lord, has granted, to all the Christian faithful who devoutly recite this prayer, three hundred days of indulgence daily. And to those who perform this action for an entire month, and who, on a day of their own choosing, having received the sacrament of penance and the sacred Communion, visit a public oratory and pray according to the intention of his Holiness, a plenary indulgence is benignly granted. These indulgences, he declared, will also be beneficial to souls detained in Purgatory. These are valid for the present and forever, notwithstanding any contrary provisions. In witness whereof, etc. Casimirus Card. Gennari. This present rescript has been presented to this Sacred Congregation, which presides over Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 3rd of June, 1905. L. [signature] S. F. D. Pànici, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 796*]

"From the Decrees of the Sacred Congregation of Indulgences and Sacred Relics, a Decree for the Whole Church: By which an indulgence is granted to the faithful who, on each first day of the month, whether Saturday or Sunday, have performed a work of piety in honor of the Immaculate Virgin. The Reverend Father Dominicus Reuter, Minister General of the Or-

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der of Friars Minor Conventual, recently explained that, having reached the fiftieth anniversary since the dogma of the Immaculate Conception of the Blessed Virgin was proclaimed, he has revived an old practice, almost forgotten, of offering a special devotion to the Virgin Mother of God on each first day of the month, in obedience to that singular privilege granted to her through the merits of Christ. This pious practice was already enriched with a two-hundred-day indulgence by the Most Holy Clemens XIV, through the Apostolic Brief of June 10, 1794, granted to the faithful who visited the churches of the aforementioned Order on those Saturdays. Furthermore, since this most laudable practice, now again proposed, has been embraced with the most fervent affection by the faithful, so that this piety may not cool, but rather become even more fervent in the future, the same Minister General humbly implored His Holiness Pope Pius X, that He might deign to grant a plenary indulgence, applicable also to the deceased, to those faithful who, without interruption, within the space of twelve months, have duly performed sacramental penance and received the Holy Eucharist, or have devoted themselves to prayers, or even to meditations, in honor of the Virgin, conceived without original sin, on those Saturdays or Sundays, and who have, at the same time, prayed according to the intention of His Holiness. His Holiness, wishing to comply with the requests of the Reverend Father Minister General, in order that the faith of the faithful towards the Mother of God may be more fostered, has, with paternal benevolence, granted..."

[*Latin ed. p. 797*]

Diarium Curiae Romanae, 797: Approbavit. Validum in perpetuum, omnibus contrariis nonobstante. Datum ex Secretaria Sanctae Congregationis Indulgentiarum et Sacrorum Reliquiarum, die I Iulii, 1905. L. "I* S. A. Card. TRIPEPI, Praefectus. f D. Panici, Archiep. Laodicen., Secretarius —^x»*^. _ DIARIUM CURIAE ROMANAE: Sanctissimus Dominus Noster Pius PP. X, per Litteras Secretariae: 1. Reverendissimum Dominicum a Transfiguratione Machado, abbatem Generalem Congregationis Benedictinae Brasiliensis, ad hanc occasionem transtulit ab Abbatia S. Mariae de Monferrato, in civitate Fluminis Ianuarii, ad Abbatiam S. Sebastiani, in Bahia. 2. Reverendissimum Gerardum Van Galoen, abbatem S. Benedicti apud Olindam, nominavit abbatem S. Mariae, in civitate Fluminis Ianuarii. 3. Laudavit ephemeridem "L'Eco di Bergamo" pro zelo ad tuendam religionem, per quinque lustra ab editione inchoata. 4. Concessit indulgentias fidelibus, qui concionibus Quadragesimae, Adventus, Missionum et Spiritualium Exercitiorum, a Fratribus Minoribus Provinciae Franciae habendis, interfuerint. 5. Largitus est indulgentias illis, qui concionibus Quadragesimae, Adventus, Missionum ac Spiritualium Exercitiorum, Patrum Ordinis Minorum Provinciae Thuringiae habendis, interfuerint. Eadem Sanctitas Sua, per Litteras Secretariae Status: 1.

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Eminenti et Reverendissimo Domino Cardinale Antonio Agliardi, dignata est eum Protectorem Academiae Immaculatae Conceptionis. 2. Eirios et Reverendissimos Dominos Cardinales Casimirum Gennari et Beniaminum Cavicchioni, benigniter adnumeravit inter Efficios Patres Purpuratos, Sacrae Congregationis de Propaganda Fide constituentes. 3. Eminenti et Reverendissimo Domino Cardinale Andrea Steinhuber, dignata est eum in Protectorem Associationis mulierum, constitutae loco Fulda, inter Missiones catholicas. 4. Tandem, Reverendissimo Patre Ioseph Lemius, Procuratore Generali Oblatorum Mariae Immaculatae, benigniter adnumeravit inter Consultores Sacrae Congregationis de Propaganda Fide.

[*Latin ed. p. 798*]

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